



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

*Wm. B. Roberts*

THE  
**Nuisances Removal**

AND  
DISEASES PREVENTION ACTS,  
1848 & 1849,

(11 & 12 VICT. CAP. 123; 12 & 13 VICT. CAP. 111.)

WITH  
**PRACTICAL NOTES, AND APPENDIX**  
CONTAINING  
THE DIRECTIONS AND REGULATIONS OF THE GENERAL  
BOARD OF HEALTH,

WITH  
**INDEX.**

*THIRD EDITION.*

By WILLIAM CUNNINGHAM GLEN, Esq.  
BARRISTER-AT-LAW.

London:  
SHAW & SONS, FETTER LANE,

PRINTERS AND PUBLISHERS OF THE DOCS AND FORMS OF THE  
GENERAL BOARD OF HEALTH.

1849.

*Three Shillings.*

Cw. U.K.

X 625

C558.7m3

L. Eng. B. 58. e. Pub. health 83

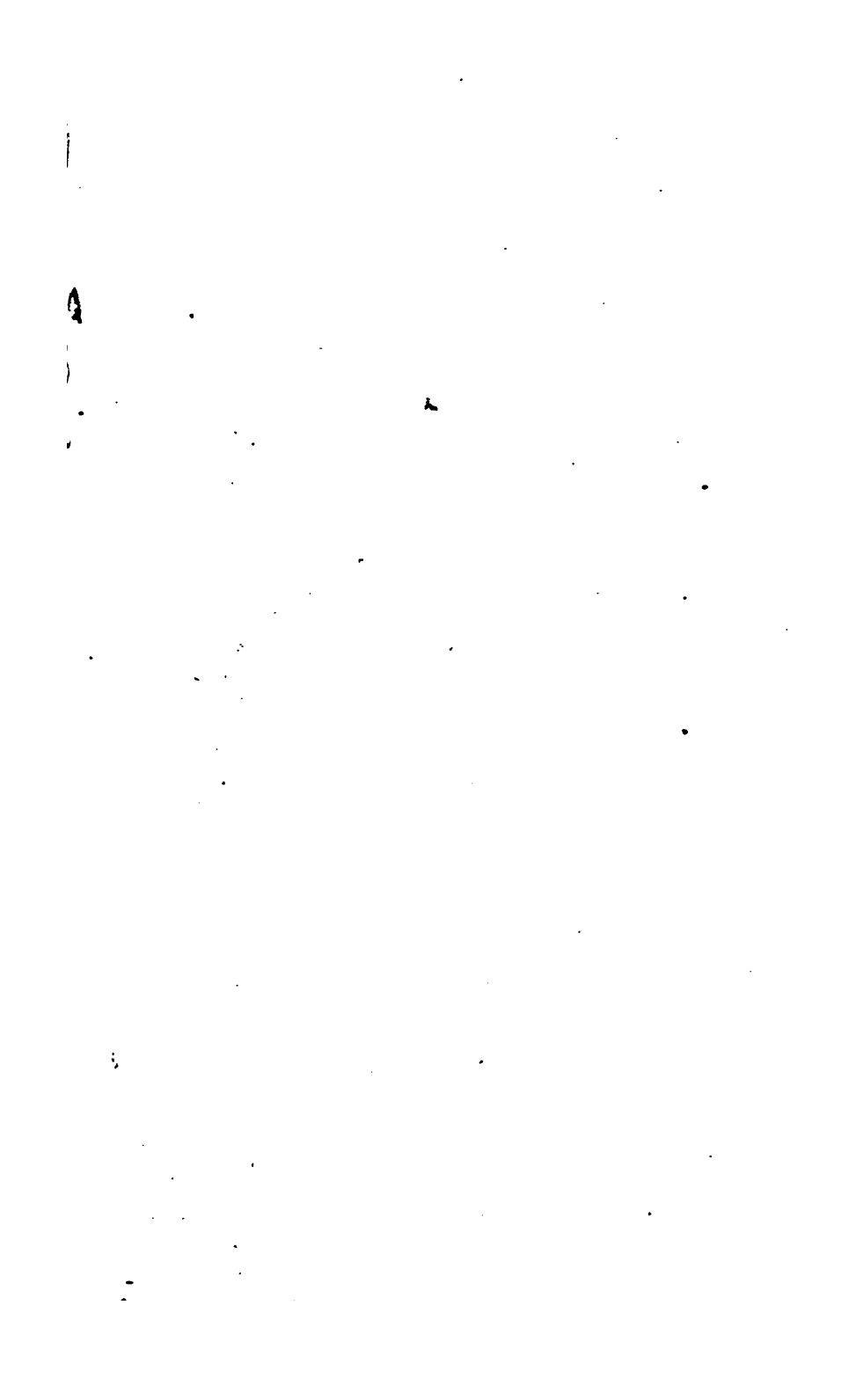
Law room

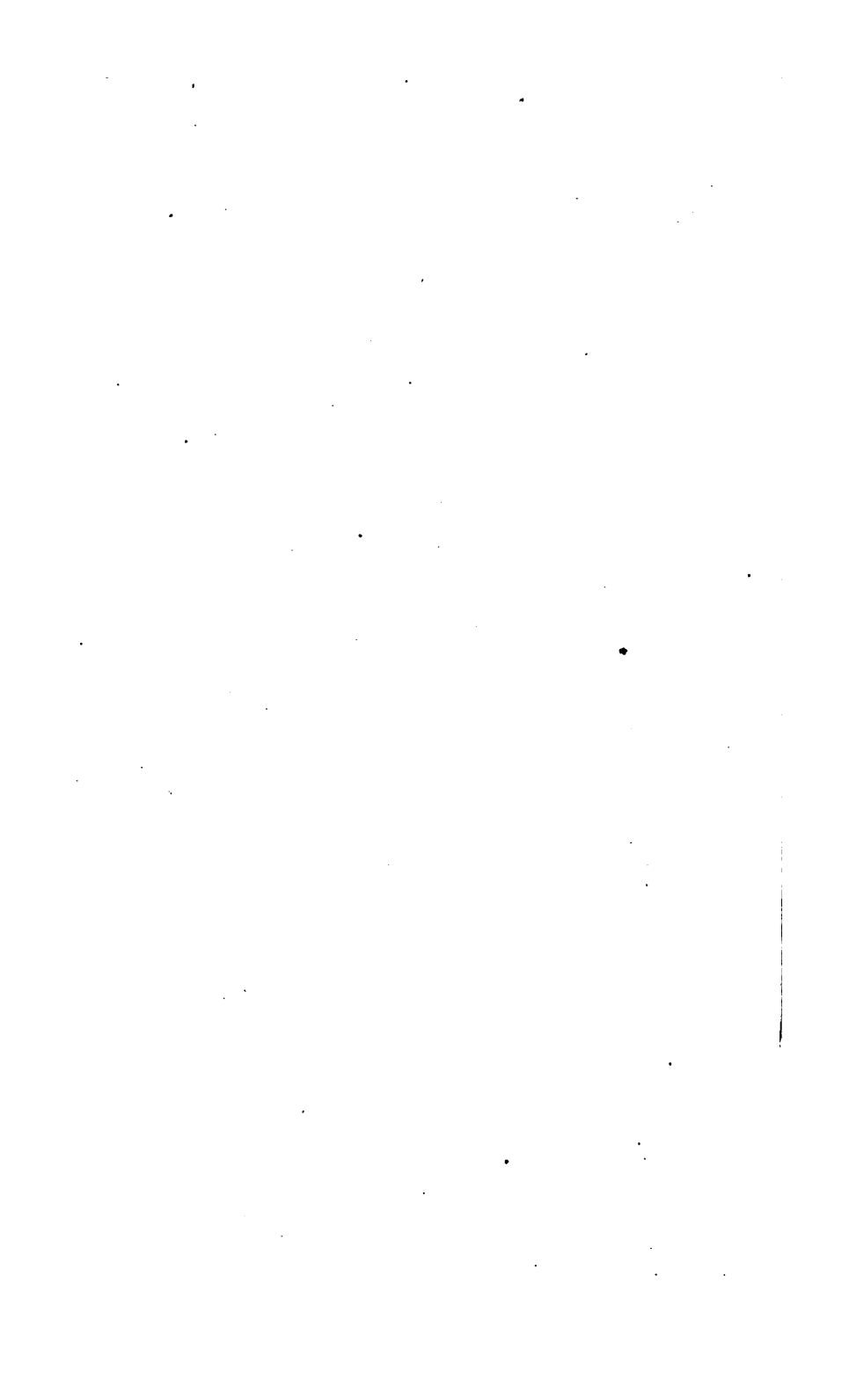
OW. U. K.

X 695

G558.7m3







THE  
**Nuisances Removal**  
AND  
DISEASES PREVENTION ACTS,  
1848 & 1849,

(11 & 12 VICT. CAP. 123 ; 12 & 13 VICT. CAP. 111.)

WITH  
**PRACTICAL NOTES AND APPENDIX**  
CONTAINING  
THE DIRECTIONS AND REGULATIONS OF THE GENERAL  
BOARD OF HEALTH,  
WITH  
**INDEX.**

*THIRD EDITION.*

By WILLIAM CUNNINGHAM GLEN, Esq.,  
BARRISTER-AT-LAW.

London :  
SHAW & SONS, FETTER LANE,  
PRINTERS AND PUBLISHERS OF THE BOOKS AND FORMS OF THE  
GENERAL BOARD OF HEALTH.

1849.

LONDON:

Printed by Shaw and Sons, 136, 137, & 138, Fetter Lane.



**PREFACE**

TO THE

**THIRD EDITION.**

---

HAVING edited two large editions of the Nuisances Removal and Diseases Prevention Act, 1848, I have been requested by the publishers to edit the Act of the last session of parliament, amending that Act.

As the Work is required for the use of the authorities and public officers charged with the duty of effecting the removal of nuisances injurious to public health, I have thought it would prove more acceptable to those authorities and officers if placed in their hands unencumbered with any lengthened preface.

I have only to draw attention to the increased powers given to the General Board of Health, and public bodies charged with the duty of taking proceedings for the removal of nuisances injurious to health, and the enforcement of the directions and regulations of the General Board; and to the provisions which relate to the closing of burial grounds, and the burial of the dead in



#### PREFACE.

places not brought under the operation of the Public Health Act, which have been engrafted upon this Act.

The period of six months, for which the provisions of the Nuisances Removal and Diseases Prevention Act, 1848, in respect to the prevention of epidemic, endemic, and contagious diseases, was first put in force throughout the whole of Great Britain, having expired, her Majesty's most honourable privy council, by an order in council dated the 27th March, 1849, put the provisions of the Act in force for a further period of six months from that date; and as doubts existed whether the directions and regulations issued by the General Board of Health in November, 1848, continued in force after the expiration of the six months, the General Board of Health, by two orders, dated respectively the 4th of April, 1849, renewed the directions and regulations which they first issued.

I refer to my notes on the various sections in elucidation of the amended Act.

W. C. G.

ESSEX COURT, TEMPLE,  
*August, 1849.*

## ADVERTISEMENT

TO THE  
SECOND EDITION.

---

IN less than three weeks upwards of a thousand copies of this Work have been sold, and having been called upon by the publishers to prepare a Second Edition of it for the press, I have added to my former notes on the various sections such further observations as my experience of the working of this useful statute suggested to me. I have also, by way of appendix, inserted the whole of the official documents issued by the General Board of Health and the Poor Law Board with reference to the provisions of the Act, and the prevention and mitigation of cholera.

I trust that the Second Edition of this Work will merit the extensive support which the first has obtained.

W. C. G.



## PREFACE.

---

THE Nuisances Removal and Diseases Prevention Act, 1848, and the Public Health Act, 1848, are the matured fruits of a lengthened and controversial examination into the sanitary condition of the principal cities and towns of Great Britain, and the dwellings of the labouring classes generally throughout the country. In the year 1838, the Poor Law Commissioners, in a report to the principal Secretary of State for the Home Department, called attention to the serious charge the community were put to when labourers are suddenly thrown by infectious diseases into a state of destitution and dependence upon the parochial and union authorities; and suggested that, inasmuch as such diseases frequently proceeded from private nuisances, injurious to the public health, and produced burdens often so great as to render it good economy on the part of the administrators of the poor laws to incur charges for preventing evils of the nature adverted to, where they are ascribable to physical causes, the local authorities should be invested with power to indict parties responsible for the nuisance, and to make arrangements with the owners of property, or take other measures according to circumstances, for the removal of the causes of disease

in cases where there is no ostensible party who could be required to perform the duty. With the view of carrying into effect the suggestions of the Commissioners, it was enacted, as regards the metropolis, by the New Police Act, 2 & 3 Vict. c. 71, s. 41,—

That if the guardians of the poor of any union or parish, Or the churchwardens and overseers of the poor of any parish within the metropolitan police district, Together with the medical officer for any such parish or union,

Shall be of opinion, and shall certify, under the hands of two or more of them and also of the medical officer,

That any house, or part of any house, within the union or parish, is in such filthy and unwholesome condition that the health of the inmates or of the public is thereby affected or endangered ;

Any magistrate, acting within the district in which the union or parish is situate, if he shall think fit, may cause notice to be affixed on the door or other conspicuous part of such house, requiring the occupier or occupiers thereof, to appear before him to answer such complaint,

Or to cause the same to be cleansed within seven days of the date of affixing such notice ;

And that if within seven days such house shall not be cleansed to the satisfaction of the medical officer,

And if the occupier or occupiers being duly summoned shall not appear before the magistrate, and show sufficient cause to the contrary,

Such magistrate shall, on proof thereof, issue an order under his hand and seal, to the guardians of the poor, or the churchwardens and overseers, to cause such house to be cleansed at the expense of the occupier or occupiers,

And to cause the expense thereby incurred to be levied, in case of non-payment, by distress and sale of the goods and chattels of the occupier or occupiers.

But as no authority was thereby given to the guardians or parish officers to charge any expenses incurred

by them in cleansing houses on the poor rates, and as the authorities were not empowered to recover from the owners such costs as could not be recovered from the occupiers of the premises, this provision, though at first it may have operated to some extent beneficially, in a short time fell into desuetude.

Meantime, by dint of agitation carried on by government commissions, local associations and committees, private individuals, and the newspaper press, the question of sanitary reform became one of the popular movements of the day. It was not, however, until the year 1846 that a renewed attempt to provide for the more speedy removal of private nuisances injurious to public health, not only in the metropolis but also throughout Great Britain and Ireland, was made. In that year the leaders in the sanitary movement, taking advantage of the excitement occasioned by the apprehended approach of Asiatic cholera, procured the 9 & 10 Vict. c. 96, to be passed. That Act enabled the local authorities to take steps for the removal of any nuisance injurious to health, and to cleanse houses in a filthy state, and it also empowered the privy council to make such rules and regulations as might appear expedient for the prevention, as far as possible, of contagious and epidemic diseases, for the relief of persons suffering under them, and for the safe and speedy interment of any person who may die of any such diseases. But as its operation was limited to the 31st August, 1847, and to the end of the then next session of parliament, and as public opinion was strongly in favour of the utility of the new provisions

of the law in this respect, it became necessary before the termination of the session to bring forward a measure of a permanent nature, and in so doing advantage has been taken of the experience gained in the practical working of the former Act, and such amendments and modifications have been made in the new Act, 11 & 12 Vict. c. 123, as experience had shown to be necessary. In consequence of the establishment of the general board of health, under the Public Health Act, 1848, several provisions are inserted in the present Act which were not in the former, and the opportunity has been taken to make an improvement to the General Highway Acts, in regard to the cleansing of ditches adjoining highways. It is also to be noticed, as respects the provisions of the Act relative to the Prevention of Epidemic Diseases that the power to issue directions and regulations for the prevention or mitigation of the diseases intended to be provided against is transferred from the privy council to the general board of health, and that a medical man may be appointed, during the continuance of any order of council directing the provisions of the Act to be put in force, as an additional member of the general board of health, for the purposes of the Act.

For such observations as the various sections of the Act seemed to call for, the reader is referred to the notes.

W. C. G.

ESSEX COURT, MIDDLE TEMPLE,  
*October, 1848.*

## CONTENTS.

---

### STATUTE 11 & 12 VICTORIA, CAP. 123.

*An Act to renew and amend an Act of the 10th Year of Her present Majesty, for the more speedy removal of certain Nuisances, and the prevention of contagious and epidemic Diseases.*

**SECT. 1.** In England and Ireland certain public bodies, upon receipt of notice of the filthy condition of any building, or of the existence of nuisances, to cause examination of premises to be made, *page 1.*

If upon examination, or a medical certificate, it appear that the nuisance, &c. exists, complaint to be made to a justice, who shall summon the owner or occupier, *p. 7.*

Service of summons, *p. 8.*

Justices, upon proof, &c. to order premises to be white-washed, or the nuisance to be removed, *p. 9.*

Service of order, *p. 9.*

If order be not complied with, the owner or occupier to be liable to penalties, and public body to enter the premises, and do the works ordered, or remove the nuisance, *p. 9.*

Dung, manure, &c. removed, may be destroyed or sold, *p. 10.*

**SECT. 2.** In Scotland certain public officers, upon receipt of notice of the filthy condition of any building, or of the existence of nuisances, to cause examination of premises to be made, *p. 11.*

If upon examination or a medical certificate it appear that the nuisance exists, complaint may be made before the sheriff or a justice, who shall order the owner or occupier to appear and answer complaint, *p. 13.*

Service of order to appear to answer complaint, *p. 14.*



- Sheriff or justices to order whitewashing, or removal of nuisance, *p.* 14.  
 Service of order, *p.* 14.  
 If order be not complied with, owner or occupier to be liable to penalties, and the public officers to enter premises, and do the works ordered, or remove the nuisance, *p.* 15.
- SECT. 3. Recovery of costs, &c. from owner or occupier of the premises in county court, &c. *p.* 15.  
 Recovery of costs before justices, *p.* 16.  
 Issue of summons to owner or occupier to appear before justices, &c. *p.* 17.  
 Hearing of summons, *p.* 17.  
 Costs, if not paid, may be levied by warrant of distress, *p.* 18.  
 If sufficient distress be not found within jurisdiction of justices, costs may be levied on goods and chattels wherever found, *p.* 18.
- SECT. 4. Certain expenses to be defrayed out of poor's rates, &c. *p.* 19.  
 Recovery of costs in parishes in Scotland where there is no assessment for relief of the poor, *p.* 20.  
 Costs, if not paid, may be levied by distress and sale of goods and chattels of the persons in default, *p.* 20.
- SECT. 5. Act not to apply to districts and places in which the Public Health Act is in force, *p.* 21.  
 Jurisdiction of commissioners of sewers not to be impaired, *p.* 21.
- SECT. 6. Recital of the provisions of 5 & 6 Will. 4, c. 50, and 8 & 9 Vict. c. 41, *p.* 21.  
 Surveyor of highways required to cleanse open ditches adjoining highways, &c. *p.* 22.  
 Application of proceeds of sale of sewage, &c. *p.* 23.  
 Provisions hereinbefore contained to be deemed part of Highway Acts, *p.* 23.
- SECT. 7. Drainage into open ditches from new houses a misdemeanor, &c. *p.* 23.
- SECT. 8. Notice to be given to general board of health, and in Ireland to commissioners of health, of intention to build or open hospitals, *p.* 24.

**SECT. 9.** Privy council to issue orders for putting in force the provisions of Act relative to the prevention of epidemic diseases, &c. *p. 25.*

**SECT. 10.** After order by privy council, general board of health may issue directions and regulations for the prevention of epidemic, &c. diseases, *p. 26.*

And provide for the cleansing of streets, houses, &c. removal of nuisances, and interment of the dead, *p. 27.*

Guardians of the poor to superintend and see to execution of directions of general board of health, *p. 33.*

Places to which directions and regulations of general board of health shall extend, *p. 35.*

Proviso in case there should be no commissioners of health in Ireland, *p. 38.*

**SECT. 11.** One medical member of general board of health may be appointed, *p. 39.*

Treasury to pay allowances to person so appointed, *p. 39.*

**SECT. 12.** Poor law commissioners may compel officers to execute regulations and directions of the general board of health, *p. 39.*

**SECT. 13.** Power of entry for the purpose of enforcing regulations, *p. 41.*

**SECT. 14.** Power of guardians to appoint officers to carry out regulations of general board of health, *p. 41.*

Expenses of guardians to be paid out of poor rate, *p. 42.*

Provision as regards extra-parochial places, *p. 42.*

Provision as regards places in Scotland in which there is no assessment for relief of the poor, *p. 42.*

**SECT. 15.** Orders, directions, and regulations to be laid before parliament, *p. 43.*

And to be gazetted, *p. 43.*

**SECT. 16.** Penalty for obstructing execution of this Act, *p. 43.*

If occupier of premises prevent execution of Act, justices may by an order in writing require him to permit the execution of the necessary works, *p. 44.*

Penalty in case of refusal, *p. 45.*

- SECT. 17. Recovery of penalties in England or Ireland, *p.* 45.  
 And in Scotland, *p.* 46.  
 Application of penalties, *p.* 46.
- SECT. 18. One or more of several joint owners or occupiers may  
 be proceeded against alone, *p.* 46.  
 Preservation of rights of two or more owners or occu-  
 piers to recover as against each other, *p.* 47.
- SECT. 19. Unnecessary to describe owner or occupier by name in  
 certain cases, *p.* 47.
- SECT. 20. Proceedings not to be quashed for want of form, *p.* 47.
- SECT. 21. Proceedings commenced under 9 & 10 Vict. c. 96, may  
 be enforced, although that Act has expired, *p.* 48.
- SECT. 22. Interpretation of terms :—"Justice" and "justices;"  
 "two justices;" "sheriff;" "magistrates;" "guardians of the poor" and "parochial board;" "street;"  
 "owner;" "person;" *pp.* 48, 49.  
 Words and expressions importing the singular number  
 and masculine gender, *p.* 49.
- SECT. 23. Mode of citing this Act, *p.* 50.
- SECT. 24. Act may be amended, &c. *p.* 50.
- SCHEDULES—A. Notice by householders, *p.* 51.  
 B. Summons to appear, *p.* 52.  
 C. Order for removal of nuisances, &c. *p.* 54.  
 D. Order to permit execution of works by owners,  
*p.* 56.
- APPENDIX:—  
 Proclamation issued by the Privy Council, on 28th Sep-  
 tember, 1848, *p.* 59.  
 First notification of the general board of health, *p.* 60.  
 Second notification of the general board of health, *p.* 70.  
 Directions and regulations of the general board of health  
 issued to poor law unions and parishes, *p.* 74.  
 Directions and regulations to towns in which the cholera  
 has appeared, *p.* 78.  
 Documents issued by poor law board, *p.* 79.

## AN ACT

TO RENEW AND AMEND AN ACT OF THE TENTH YEAR OF HER  
PRESENT MAJESTY, FOR THE MORE SPEEDY REMOVAL OF  
CERTAIN NUISANCES, AND THE PREVENTION OF CONTA-  
GIOUS AND EPIDEMIC DISEASES.

---

4TH SEPTEMBER, 1848.

---

SECT. 1. *In England and Ireland certain public bodies, upon receipt of notice of the filthy condition of any building, or of the existence of nuisances, to cause examination of premises to be made.*] Whereas an Act passed in the tenth year of her Majesty's reign, for the more speedy removal of certain nuisances, and to enable the privy council to make regulations for the prevention of contagious and epidemic diseases, will expire at the end of the present session of parliament; and it is necessary that other provision should be made in lieu thereof; Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in *England and Ireland*, upon receipt (a) (or as soon afterwards as can be) by the town

---

(a) Upon the receipt of the certificate of any two or more inhabitant householders, the authorities are to set the machinery of the Act in motion; but they are not compelled to wait till the householders voluntarily sign and deliver the certificate. The authorities are empowered to originate the proceedings, and they may employ any two inhabitant householders to view the premises and make the certificate, and pay them their reasonable expenses out

council (b), or by any trustees or commissioners for the drainage, paving, lighting, or cleansing, or managing or directing the police of any city, town, borough or place (c), or by any other body of a like nature, or by any commissioners of sewers or guardians of the poor (d)

of the fund under their control, as part of the costs incurred in obtaining the order for the removal of the nuisance.

(b) The words "or other like body having jurisdiction within any *corporate* town, borough, city, or place," which occur in the 9 & 10 Vict. c. 96, s. 1, caused some doubt as to whether the provisions of the statute applied to places other than *corporate* towns; and it will be observed, that these words having been left out of the present statute removes any doubt on the point. Its provisions, therefore, apply to all places under the jurisdiction of a town council, commissioners of sewers, or guardians of the poor. Under the former Act proceedings for the removal of a nuisance could only be taken by the guardians of the poor, in towns or places having no town council, commissioners of sewers, &c., or other like body, competent to act; but under this Act the inhabitant householders may give the requisite notice either to the town council, the trustees or commissioners, or to the guardians of the poor, *at their option*. All these bodies have concurrent jurisdiction in the matter, and may carry out the proceedings for the removal of a nuisance independent of each other.

(c) The word "place" is of general signification, and is to be taken to mean any "union, parish, combination," or place where the matter requiring the cognizance of the officers arises.—See the interpretation clause, s. 22, "Guardians of the Poor."

(d) The words "guardians of the poor," in the former Act, were construed to mean the "overseers of every parish, township, hamlet, or place in which relief to the poor shall not be administered by guardians;" but these words, as used in the present Act, are, by the interpretation clause, to be construed to mean only the "guardians, directors, wardens, governors, parochial board, or other like officers having the management of the poor for any union; parish, combination, or place," without specifically mentioning the overseers; consequently the Act would be wholly inoperative in those parishes in England in which the poor continue to be relieved by the overseers under the statute of Elizabeth, and in which there is no town council, trustees, or commissioners for

or in Ireland by the officers of health of any parish (e), of a notice in writing in the form contained in the schedule (A.) to this Act annexed, or to the like effect, signed by two or more inhabitant householders (f) of

---

drainage, &c., or commissioners of sewers, unless the words "other like officers having the management of the poor," in the interpretation clause, apply to overseers. The same words, "other like officers," in the interpretation clause of the 9 & 10 Vict. c. 96, evidently apply to officers other than the overseers, because the overseers are afterwards expressly mentioned as included in the words "guardians of the poor." However, the present Act must be construed independent of the former one; and although it would have been advisable to have retained the overseers, as included in the terms "guardians of the poor," still it would seem that the words, "other like officers having the management of the poor," are sufficiently comprehensive to include "overseers." There are, at the present time, 208 parishes in England which still manage their poor under the statute of Elizabeth, representing a population of 216,798 persons.

(e) The vestry of every parish in Ireland, and of every city and town of 1000 inhabitants and upwards, and every large town where the lord lieutenant thinks it fit, are to elect annually two to five "officers of health," who are to act gratuitously; and the expenses incurred by such officers, if not exceeding a sum previously fixed by the vestry, are defrayed by a parochial assessment. If a parish which is bound to appoint officers of health neglect to do so, the justices of the peace at quarter sessions are empowered to appoint instead. The duties of the officers of health are,—to cleanse streets, lanes, yards, courts, houses let in tenements, and the yards and gardens of such houses, to remove nuisances, drain off standing waters, cleanse and fumigate houses in which there has been contagion, wash the persons and clothes of the inhabitants of such houses, apprehend and remove strolling vagrants, and provide a place of confinement for them.

(f) Under the former Act the certificate that the dwelling-house was in a filthy or unwholesome state, and that it was likely to be prejudicial to health, was required to be signed by two *duly*-qualified medical practitioners, which description being vague and of no definite legal meaning, frequently led to the dismissal of the summons, owing to the party prosecuting being unable to prove

the parish or place to which the notice relates, stating that, to the best of the knowledge and belief of the persons by whom such notice is signed, any dwelling house or building in any city, town, borough, parish, or place within or over which the jurisdiction or authority of the town council, trustees, commissioners, guardians, officers of health, or other body (*g*) to whom such notice is given, extends, is in such a filthy and unwholesome condition as to be a nuisance to or injurious to the health of any person, or that upon any premises within such jurisdiction or authority there is any foul and offensive ditch, gutter, drain, privy, cesspool, or ash-pit, or any ditch, gutter, drain, privy, cesspool, or ash-pit kept or constructed so as to be a nuisance to or injurious to the health of any person, or that upon any such premises swine, or any accumulation of dung, manure, offal, filth, refuse, or other matter or thing, are or is kept so as to be a nuisance to or injurious to the health of any person, or that upon any such premises (being a building used wholly or in part as a dwelling house,) or being premises underneath any such building, any cattle or animal are or is kept so as to be a nuisance to or injurious to the health of any person (*h*), such town council, trustees, commissioners,

---

that the medical practitioners who signed the notice were "duly qualified;" besides, the heavy fees to which many medical men laid claim for the certificate sometimes discouraged the authorities from proceeding against parties for the removal of a nuisance. The new statute, which requires the notice to be signed by inhabitant householders only, who are in most cases quite as competent to form an opinion on the subject as medical men, will, it is hoped, greatly facilitate the removal of nuisances wherever they are found to exist.

(*g*) That is, "or other body of a like nature." See note (*d*), page 2.

(*h*) This is a much more comprehensive description of the

### *Service of Notice and Examination of Premises. 5*

guardians, officers of health, or other body, or some committee (i) thereof which may be temporarily or per-

---

nuisances to which the statute applies than is contained in the 9 & 10 Vict. c. 96, in the following words, "filthy and unwholesome condition of any dwelling-house, or other building, or of the accumulation of any offensive or noxious matter, refuse, dung, or offal, or of the existence of any foul or offensive drain, privy, or cesspool." The late Act did not, as the present one does, apply to the keeping of swine, cattle, or other animal, upon any premises or dwelling-house, so as to be a nuisance to or injurious to the health of any person; nor did that Act say that the nuisance must be injurious to the health of any person, though such was implied by the form of the certificate required to be given.

All the descriptions of nuisance mentioned in this Act seem to be nuisances for the removal or abatement of which proceedings can be taken against private individuals: but no proceedings can be taken under it for the removal of nuisances connected with the carrying on of an offensive trade, such as a bone-boiler, tallow-melter, and the like, unless deposits of a nature likely to be prejudicial to or injurious to health are allowed to accumulate on the premises. The statute gives no authority to interfere with public nuisances; and where those exist, the usual remedy by indictment must be had recourse to by those who are injured by them.

It may be proper to observe that this Act gives no authority to the local authorities to appoint inspectors of nuisances; consequently, if such appointments be made, any salary which may be attached to the office cannot be paid out of the poor-rate. The poor law board have, however, in a circular letter, addressed to boards of guardians, and dated the 21st October, 1848, stated, with reference to their circular letter of the 6th October (see Appendix), that as the duties devolved upon the boards of guardians under the provisions of this Act may lead to an increase of the labours of their paid officers, they (the poor law board) are prepared to give a favourable consideration to any proposition for the temporary appointment, and for the suitable remuneration, of such assistant officers in the departments of the clerks, the medical officers, or the relieving officers, as may in any case appear to be requisite, for the purpose of giving effect to the intentions of the legislature in framing the Act.

(i) Under the former Act the parties to take proceedings for the



manently appointed in this behalf by such town council, trustees, commissioners, guardians, officers of health, or other body, shall, after twenty-four hours' notice in writing, by delivering the same to some person on the premises referred to in such first-mentioned notice, or (if there be no person upon the premises who can be so served) by fixing the same upon some conspicuous part of such premises, (or in case of emergency without notice) by themselves, their servants or agents, with or without medical or other assistants, enter such premises (k), and

removal of a nuisance were either corporations or *quasi* corporate bodies, and, therefore, could only act in the name of their officer. Under this Act the authorities directing the proceedings to be taken may appoint a committee of their number to lay the information. But where they do not do so, in the case of a town council in a borough, such town council should by a resolution give authority to one of their officers to lay the complaint and affix their corporate seal to the copy of such resolution, which should be produced before the justices. When the information is laid by trustees or commissioners, reference must be made to the provisions of the local Act for the proper course to be pursued. As regards the guardians of the poor, the 5 & 6 Vict. c. 57, s. 17, enacts, "that in all cases in which the guardians of any parish or union are or may hereafter be empowered to make any application or complaint, or to take any proceedings before any justices at petty or special or general or quarter sessions, it shall be lawful for any officer of such guardians, empowered by any board of such guardians, by an order in writing, under the hand of the presiding chairman of such board, and sealed with the common seal of such guardians, to make such application or complaint, or to take such proceedings on behalf of such guardians, as effectually to all intents and purposes, as if the same were made or taken by such guardians, or any of them, in person;" and by the 7 & 8 Vict. c. 101, s. 69, any certificate of a board of guardians, or copy of their minutes, under the seal of the guardians, and signed by the presiding chairman, and countersigned by their clerk, shall, unless the contrary be shown, be taken to be sufficient proof of the truth of all the statements contained in such certificate, and of the directions respecting any order mentioned in the minute.

(k) Under the former Act no power to enter upon the premises,

examine the same with respect to the matters alleged in such first-mentioned notice, and do all such works, matters, and things as may be necessary for that purpose.

*If upon examination, or a medical certificate, it appear that the nuisance, &c. exists, complaint to be made to a justice, who shall summon the owner or occupier.]*

If upon such examination, or upon the certificate in writing of two legally qualified medical practitioners, (1)

---

to view the alleged nuisance, was given, nor could any entry be made till after complaint to the justices and neglect of the owner to cleanse and purify the premises, or remove the nuisance. This right of entry will enable the local body to determine for themselves whether the nuisance is of such a nature as to warrant their laying a complaint before the justices, or whether it does, in point of fact, exist. But if force be required to enter upon the premises, care must be taken not to use more than is actually necessary to obtain admission for the parties going to make the inspection, otherwise the parties will lay themselves open to an action in trespass.

(1) In England, the medical men who sign this certificate must possess one or other of the following medical qualifications:—

1. A diploma or licence of the Royal College of Physicians, London.
2. A degree in medicine from a university in England legally authorized to grant such degree.
3. A diploma or degree as surgeon from a royal college or university in England, Scotland, or Ireland.
4. A certificate to practice as an apothecary from the Society of Apothecaries of London.
5. A warrant or commission as surgeon or assistant-surgeon in her Majesty's navy; or as surgeon or assistant-surgeon or apothecary, in her Majesty's army; or as surgeon or assistant-surgeon in the service of the Hon. East India Company, dated previous to the 1st August, 1826.
6. Or he must have been in actual practice as an apothecary on the 1st August, 1815.

And it will be necessary to prove that the parties signing the certificate are legally qualified medical practitioners, and the fact of their having signed it will also require to be proved by evidence of their identity. The medical men signing the certificate need

it appear (*m*) that any dwelling house or building so examined is in such a filthy and unwholesome condition as aforesaid, or that upon any premises so examined there is any such ditch, gutter, drain, privy, cesspool, ashpit, swine, cattle, or animal, or any such accumulation or other matter or thing as aforesaid, such town council, trustees, commissioners, guardians, officers of health, or other body, or such committee shall make or cause to be made complaint before a justice, (*n*) who shall thereupon issue a summons (which may be according to the form contained in the schedule B.) to this Act annexed, or to the like effect,) requiring the owner or occupier (*o*) of the premises examined to appear before two justices to answer such complaint.

*Service of summons.*] Such summons shall be served by delivering the same, or a true copy thereof, to some person upon the premises in respect whereof complaint is made, or) if there be no person upon the premises who

---

not necessarily be the medical officers of the union. It will be no part of the duty of the medical officer to give the certificate; and the fee to be paid to whoever signs it should be made a matter of special agreement beforehand.

(*m*) That is, appear to the town council, trustees or commissioners, or guardians of the poor. See the following note.

(*n*) The preliminary examination of the premises complained of may be made either by the authorities themselves, or by their servants; but the complaint to the justices can only be made by the town council, trustees, commissioners, or guardians; or committee appointed for the purpose, after it has been made to appear to them by the report of their servants, that the premises are in a filthy and unwholesome condition.

(*o*) As to the definition of the term *owner*, see section 22, *post*; and as to proceedings against joint owners or occupiers, see section 18, *post*. The justice who issues the summons must determine whether the owner or occupier is the party answerable for the nuisance, and frame the summons accordingly.

can be so served) by fixing such summons or copy upon some conspicuous part of such premises (p).

*Justices, upon proof, &c. to order premises to be white-washed or the nuisance to be removed.]* If at the time and place appointed by such summons it be proved to the satisfaction of such justices that any dwelling house or building in respect whereof complaint is made is in such a filthy and unwholesome condition as aforesaid, or that any such cause or causes of complaint as aforesaid exists or exist, and (in case such owner or occupier do not appear) that such summons or copy was served as aforesaid, such justices shall make an order in writing under their hands and seals, (which order may be according to the form contained in the schedule (C.) to this Act annexed, or to the like effect,) for cleansing, whitewashing, or purifying such dwelling house or building, or for the removal or abatement of any such cause or causes of complaint, in such manner and within such time as shall be specified in such order (not being more than two clear days, exclusive of Sunday, after service of such order as hereinafter directed).

*Service of order.]* Such order shall be forthwith served by delivering the same or a true copy thereof to some person upon the premises in respect whereof it is made, or (in case there be no person upon the premises who can be so served) by fixing such order or copy upon some conspicuous part of such premises.

*If order be not complied with, the owner or occupier to be liable to penalties, and public body to enter the premises, and do the works ordered, or remove the nuisance.]* If such order be not complied with, the owner or

---

(p) Proof will also have to be given of the due service of the summons in the manner here directed, if the owner or occupier do not appear at the hearing.

occupier against whom it is made shall be liable to a penalty not exceeding ten shillings for every day during the continuance of his default, and the town council, trustees, commissioners, guardians, officers of health, or other body mentioned therein, shall, by themselves, their servants or agents, or by such committee as aforesaid, their servants or agents, enter such last-mentioned premises, and cleanse, whitewash, or purify the same, or remove or abate the cause or causes of complaint, in respect whereof the said order shall have been made, and do all such works, matters, and things as may be necessary for carrying such order into effect (q).

*Dung, manure, &c. removed, may be destroyed or sold.*] Any dung, manure, offal, filth, or refuse, and any other matter or thing removed by any such town council, trustees, commissioners, guardians, officers of health, or other body as aforesaid, in pursuance of this enactment, may be destroyed or sold, and in case of sale the proceeds arising therefrom shall be paid to or (as the case may require) be retained by the guardians of the poor, and shall be by them applied in aid of the rate for the relief of the poor of the parish, electoral

---

(q) If a pauper be attacked with fever, the guardians of the union, without reference to the provisions of this statute, may, upon the advice and recommendation of their medical officer, supply whatever may be necessary for fumigating and whitewashing the dwelling of such pauper, and charge the poor rates with the cost thereof, as constituting a portion of the means essential for the recovery of the pauper. But they cannot, under the provisions of this Act, supply materials for whitewashing or fumigating the houses of the poor, at the cost of the poor rates, merely as a measure of prevention against fever, unless the houses be in such a filthy and unwholesome condition as to be a nuisance to or injurious to the health of the inmates, in which case the guardians may set the machinery of the Act in motion.

division, or place in which such removal shall have been made (*r*).

SECT. 2. *In Scotland certain public officers, upon re-*

(*r*) The above provisions relate only to the removal of nuisances after they are found to exist and to be prejudicial or injurious to health. No provision is made by this Act for the *prevention* of a nuisance; but the Public Health Act, 1848, 11 & 12 Vict. c. 63, enables the local boards of health to provide proper places as receptacles of filth, and to cover up open drains, ditches, and the like, within their jurisdiction. Boards of health, however, will only be constituted in towns and districts in which there is a large or dense population, and then only when one-tenth of the inhabitants of the place, rated to the relief of the poor, agree to petition the general board of health, or when it shall appear from the returns of the registrar-general of births, deaths, and marriages, that the deaths registered annually in the place, in a period of not less than seven years, have on an average, exceeded the proportion of twenty-three to a thousand of the population. The more effectually to provide for the prevention of nuisances, and to improve the public health in parishes in which there is no local board of health, it is enacted by the 50th section of the statute in question, that if it shall appear to a majority of not less than three-fifths of the rated inhabitants of any parish containing less than two thousand inhabitants on the then last census, in which such Act shall not have been applied, assembled at a public meeting, that it would contribute to the health and convenience of the inhabitants, that any pool, place, open ditch, sewer, drain, or place, containing or used for the collection of any drainage, filth, water, matter, or thing, of an offensive nature, or likely to be prejudicial to health, should be drained, cleansed, covered, or filled up, or that a sewer should be made or improved, a well dug, or a pump provided for the public use of the inhabitants, the churchwardens and overseers of such parish shall procure a plan, and an estimate of the cost of executing such works, and shall lay the same before another public meeting of the rated inhabitants of the parish; and if the same shall be approved and sanctioned by a majority of the rated inhabitants, assembled at such last-mentioned meeting, the churchwardens and overseers shall then cause the works in respect of which such estimate shall have been made and sanctioned to be executed, and shall pay the cost thereof out of the poor rates of the parish.

*ceipt of notice of the filthy condition of any building, or of the existence of nuisances, to cause examination of premises to be made (s).]* And be it enacted, that in Scotland, upon or as soon as can be after notice in writing in the form contained in the schedule (A.) to this Act annexed, or to the like effect, signed by two or more of the inhabitant householders of the parish or place to which the notice relates, made to the procurator fiscal of any county, or the procurator fiscal or the dean of guild of any royal burgh, or the procurator fiscal of the justices of the peace of any county, or the commissioners of police or trustees for paving, lighting, or cleansing any city, town, burgh, parish, or place, or the inspector of the poor of any parish, stating that any dwelling house or building within any royal burgh, or in any city, town, burgh, parish, or place, within or over which the jurisdiction or authority of any such procurator fiscal, or of such dean of guild, or commissioners of police, or trustees for paving, lighting, or cleansing, or inspector of the poor, extends, is in such a filthy and unwholesome condition as to be a nuisance to or injurious to the health of any person, or that upon any premises within such jurisdiction or authority there is any foul and offensive drain, ditch, gutter, privy, cesspool, or ashpit, or any drain, ditch, gutter, privy, cesspool, or ashpit, kept or constructed so as to be a nuisance to or injurious to the health of any person, or that upon any such premises swine, or any accumulation of dung, manure, offal, filth, refuse, or other matter or thing, are or is kept so as to

---

(s) This section extends to Scotland the provisions in the first section for the removal of nuisances in England and Ireland, in terms varied only to meet the different state of the law in the former country, and the local authorities to whom jurisdiction is given in the matter. See the notes to the first section.

be a nuisance to or injurious to the health of any person, or that upon any such premises (being a building used wholly or in part as a dwelling house), or being premises underneath any such building, any cattle or animal are or is kept so as to be a nuisance to or injurious to the health of any person, it shall be competent to any such procurator fiscal or dean of guild, or the proper officer of such commissioners of police or trustees, or such inspector of the poor respectively, after twenty-four hours from the giving notice in writing by service thereof upon some person on the premises referred to in such first-mentioned notice, or (if there be no person upon the premises who can be so served) by fixing the same upon some conspicuous part of such premises, or in case of emergency without notice, by himself or others acting under his authority, with or without medical or other assistants, to enter such premises, and examine the same with respect to the matters alleged in such first-mentioned notice, and do all such works, matters, and things as may be necessary for that purpose.

*If upon examination or a medical certificate it appear that the nuisance exists, complaint may be made before the sheriff or a justice, who shall order the owner or occupier to appear and answer complaint.*] If upon such examination, or upon the certificate in writing of two legally qualified medical practitioners (s), it appear that any dwelling house or building so examined is in such a filthy and unwholesome condition as aforesaid, or that upon any premises so examined, there is any such drain, ditch, gutter, privy, cesspool, ashpit, swine, cattle, or

---

(s) As to what is a legal medical qualification in *England*, see note (t), page 7. In *Scotland* a diploma or licence from any college of physicians, or any other body legally qualified to grant a degree in medicine or surgery, will, it is apprehended, be a sufficient legal medical qualification.



animal, or any such accumulation, or other matter or thing, as aforesaid, such procurator fiscal, dean of guild, officer, or inspector shall make or cause to be made complaint to the sheriff or magistrates or a justice, who shall thereupon order the owner or occupier of the premises examined to appear before such sheriff or magistrates or two justices to answer such complaint.

*Service of order to appear to answer complaint.*] Such order shall be served by delivering the same, or a true copy thereof, to some person upon the premises in respect whereof complaint is made, or (if there be no person upon the premises who can be so served) by fixing such order or copy upon some conspicuous part of such premises.

*Sheriff or justices, to order whitewashing, or removal of nuisance.*] If at the time and place appointed by such order it be proved to the satisfaction of such sheriff or magistrates or justices that any dwelling house or building in respect whereof complaint is made is in such a filthy and unwholesome condition as aforesaid, or that any such cause or causes of complaint as aforesaid exists or exist, and (in case such owner or occupier do not appear) that such order or copy was served as aforesaid, such sheriff or magistrates or justices shall make an order in writing under their hands (which order may be according to the form contained in the schedule (C.) to this Act annexed, or to the like effect,) for cleansing, whitewashing, or purifying such dwelling house or building, or for the removal or abatement of any such cause or causes of complaint, in such manner and within such time as shall be specified in such order (not being more than two clear days, exclusive of Sunday, after service of such order.

*Service of order.*] Such last-mentioned order shall be forthwith served by delivering the same, or a true copy thereof, to some person upon the premises in

respect whereof it is made, or, in case there be no person upon the premises who can be so served, by fixing such order or copy upon some conspicuous part of such premises.

*If order be not complied with, owner or occupier to be liable to penalties, and the public officers to enter premises, and do the works ordered, or remove the nuisance.*] If such order be not complied with, the owner or occupier against whom it is made shall be liable to a penalty not exceeding ten shillings for every day during the continuance of his default, and the procurator fiscal or dean of guild or proper officer of the commissioners of police, or trustees or inspectors of the poor respectively, shall, by themselves or others acting under their authority, enter such last-mentioned premises, and cleanse, whitewash, or purify the same, or remove or abate the cause or causes of complaint in respect whereof the said last-mentioned order shall have been made, and do all such works, matters, and things as may be necessary for carrying such order into effect; and any dung, manure, offal, filth, or refuse, and any other offensive or noxious matter or thing removed in pursuance of this enactment, may be destroyed or sold, and in case of sale the proceeds arising therefrom shall be paid to or (as the case may require) be retained by the parochial board for the management of the poor, and shall be by them applied in aid of the funds for the relief of the poor of the parish or place in which such removal shall have been made.

SECT. 3. *Recovery of costs, &c. from owner or occupier of the premises in county court, &c. (u).*] And be it enacted, that whenever any such order as

---

(u) As to the recovery and application of penalties under the Act, see section 17.

aforesaid for cleansing, whitewashing, or purifying any dwelling house or building, or for the removal or abatement of any such cause or causes of complaint as aforesaid, has been obtained, all costs and expenses reasonably incurred in obtaining such order, or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the owner or occupier of the premises in respect whereof such costs and expenses shall have been incurred, and may be recovered as such by the said town councils, trustees, commissioners, guardians, officers of health, or other body, or by the said procurators fiscal, deans of guild, commissioners of police, or trustees and inspectors of the poor respectively, as such, in any county court, civil bill court, or (in Scotland) before the sheriff or magistrates or justices of the peace (v).

*Recovery of costs before justices.*] Or such town council, magistrates, trustees, commissioners, guardians, officers of health, or other body, or procurators fiscal, deans of guild, or inspectors of the poor, may, if they shall think fit, recover such costs and expenses before two justices, or in Scotland, before the sheriff or magistrates or two justices, from the owner or occupier of the premises in respect of which such order is made (x).

---

(v) It will be seen that only the expenses *reasonably* incurred can be recovered in the county court, &c.; and it will therefore be necessary to be prepared with evidence that no further expenses were incurred in removing or abating the nuisance than were absolutely necessary.

(x) It will frequently be found that there are sufficient goods and chattels upon the premises to permit of a sufficient distress being levied, and in such cases it would seem preferable for the parties removing or abating a nuisance to adopt this alternative mode of recovering the costs, as, when a sufficient distress can be found, the money will be recovered more expeditiously than by way of debt in the county or civil bill court. But when no suffi-

*Issue of summons to owner or occupier to appear before justices, &c.]* Any two justices, or, in Scotland, the sheriff or magistrates or any two justices, upon the application of any such town council, magistrates, trustees, commissioners, guardians, officers of health, or other body, or procurator fiscal, dean of guild, or inspector of the poor, shall issue a summons, or, in Scotland, an order, requiring such owner or occupier to appear before them, or before him or them, at a time and place to be named therein.

*Hearing of summons.]* At the time and place so named, upon proof to the satisfaction of such justices, or such sheriff or magistrates or justices, that any such costs and expenses have been so incurred as aforesaid, and (in case such owner or occupier do not appear) that a copy of such last-mentioned summons or order was served by delivering the same to some person on the premises in respect of which the costs and expenses were incurred, or, if there be no person upon the premises who can be so served, by fixing the same upon some conspicuous part of such premises, such justices, or such sheriff or magistrates or justices, unless they think fit to excuse the party summoned upon the ground of poverty or other special circumstances (y), shall, by order in writing, in England or Ireland under the hands and seals of such justices, or in Scotland under the hands of such sheriff or magis-

---

trates, the remedy by action of debt in the county or civil bill court, &c. will be the most proper course.

(y) When payment of the costs is excused on the ground of poverty or other special circumstances, they will be defrayed out of the poor rates in the manner directed in section 14. The discretion as to whether the payment of the costs shall be excused, on the grounds mentioned, rests entirely with the justices or sheriff before whom the proceedings are taken.

trates, or justices, order him to pay the amount to the applicants, together with the costs attending such application and the proceedings thereon.

*Costs, if not paid, may be levied by warrant of distress.*] If the amount be not paid within seven days after demand, the same may, by warrant under the hands and seals of the same or any other two justices, or, in Scotland, under the hands of the sheriff or magistrates or justices, by whom the last-mentioned order shall have been made, or any other two justices, be levied by distress and sale of the goods and chattels of the owner or occupier in default.

*If sufficient distress be not found within jurisdiction of justices, costs may be levied on goods and chattels wherever found.*] If no distress sufficient to satisfy the same can be found within the jurisdiction of the justices, or of the sheriff or magistrates or justices, by whom such warrant shall have been issued, and it so appear upon oath before two justices, or, in Scotland, before the sheriff or magistrates or two justices, of any other county or jurisdiction in which any goods or chattels of the defaulter may be, such last-mentioned justices, or sheriff or magistrates or justices, shall indorse their or his signatures or signature upon the last-mentioned warrant, and thereupon the amount to be levied, or so much thereof as may be unsatisfied, shall be levied of (z) the last-mentioned goods and chattels, in the same manner as if such warrant had been originally and properly issued by the justices, or by the sheriff or magistrates or justices, of such last-mentioned county or jurisdiction (a).

---

(z) This word is so printed in the original. It seems to be a misprint for *off* or *on*, or the words "*by distress*" may have been accidentally omitted before the word "*of*."

(a) This clause, as it is framed, is a great improvement upon

SECT. 4. *Certain expenses to be defrayed out of poor's rates, &c.*] And be it enacted that all costs and expenses reasonably incurred as aforesaid in carrying into effect any of the provisions herein-before contained, and not recovered from any owner or occupier of the premises in respect of which such expenses shall have been incurred (b), shall, upon an order in writing, specifying the sum to be paid, under the hands and seals of two justices, or, in Scotland, under the hands of the sheriff or magistrates or two justices, (who are hereby required to make such order, upon proper application in this behalf,) be retained, paid, or defrayed by the treasurer of such guardians or parochial board, or by the overseers of the poor, or other proper officers or persons, out of the funds in their hands applicable to the relief of the poor, and shall be charged to the parish, electoral division, or place maintaining its own poor in which the premises in respect whereof such costs and expenses shall have been so incurred are situated, and in other places in England or Ireland out of any public rates or funds raised in such places, or applicable thereto under the authority of parliament, or in case there be no such rates or funds as last aforesaid, then out of the funds for the relief of the poor of the parish, electoral division,

---

the clause in the former Act, and will greatly facilitate, as well as render more certain, the recovery of costs under the Act.

(b) If any expenses be incurred before application to the justices to order the removal of the nuisance, and if the party abate or remove the nuisance before the hearing of the summons, so as to render an order unnecessary, and consequently cause the complaint to be dismissed, such party will not be liable to the preliminary expenses which have been incurred, but they will fall to be defrayed out of the poor rates under this section, as having been reasonably incurred in carrying the Act into effect. When the complaint is dismissed, the justices should be applied to to make the order for the payment of such expenses.

or place nearest adjoining, or if there be two or more parishes or places nearest adjoining, out of the funds for the relief of the poor of such one of them as two justices shall, by order in writing under their hands and seals, appoint.

*Recovery of costs in parishes in Scotland where there is no assessment for relief of the poor.*] In case any such costs or expenses shall have been incurred on account or in respect of any parish in Scotland in which it shall happen that there is not at the time an assessment for the relief of the poor imposed or levied, then the same shall be paid or defrayed out of an assessment to be imposed and levied for that purpose, and to the extent necessary, under and in the manner provided by an Act of the ninth year of her Majesty's reign, for the amendment and better administration of the laws relating to the relief of the poor in Scotland (c).

*Costs, if not paid, may be levied by distress and sale of goods and chattels of the persons in default.*] If any such treasurer, overseers, or officers or persons, neglect or refuse to pay the sum specified in any order of justices, or of any sheriff or magistrates, made under this enactment, for the space of twenty-one days after the date of such order, the same may, by warrant under the hands and seals of the same or any other two justices, or, in Scotland, under the hands of the sheriff or magistrates or any two justices, by whom such order shall have been made, or any other two justices, be levied by distress and sale, together with the costs of

---

(c) This provision, unless when the costs happen to amount to a considerable sum, will be almost inoperative, as the expense and trouble attending a special assessment will be so great as altogether to discourage the authorities from levying the amount necessary to defray the costs.

such distress and sale, of the goods and chattels of the treasurer, overseers, or other officers or persons in default (*d*).

SECT. 5. *Act not to apply to districts and places in which the Public Health Act is in force.*] Provided always, and be it enacted, that nothing hereinbefore contained shall apply to any district, parish, or place in which the Public Health Act, 1848, or any part thereof, shall be in force, unless and except in so far as the general board of health, by order in writing, sealed with the seal of such board, and signed by two or more members thereof, or (in case there be no such board in existence) as one of her Majesty's principal secretaries of state, by order in writing under his hand, shall otherwise direct (*e*).

*Jurisdiction of commissioners of sewers not to be impaired.*] Provided also, that nothing in this Act shall be construed to impair, abridge, or take away any power, jurisdiction, or authority which may at any time be vested in any commissioners of sewers, or to take away or interfere with any course of proceeding which might be resorted to or adopted by such commissioners if this Act had not been passed (*f*).

SECT. 6. *Recital of the provisions of 5 & 6 W. 4,*

(*d*) The costs of the distress and sale in such case must be borne by the persons in default, as they will have been incurred by their own laches. But the amount of the original costs can be charged upon the poor rates as if no such proceeding as this had taken place.

(*e*) For the powers of the local boards of health to remove or abate nuisances, cleanse and cover-in ditches, drains, and remove filth from streets and houses, and cause houses to be purified, see the 55th, 56th, 58th, 59th, and 60th sections of the Public Health Act, 1848.

(*f*) The nature of these proceedings will depend upon the powers conferred upon the commissioners by their local Act.



c. 50, and 8 & 9 Vict. c. 41.] And whereas, by an Act passed in the sixth year of the reign of King William the Fourth, for consolidating and amending the laws relating to highways in England, the surveyor and district surveyor or assistant surveyor therein mentioned are empowered to scour, cleanse, and keep open all ditches, gutters, drains, or watercourses (*g*); and by an Act passed in the ninth year of her Majesty's reign for amending the laws concerning highways, bridges, and ferries in Scotland, the trustees or surveyors therein mentioned are empowered to cleanse the ditches made or to be made along the sides of any highway, in case of the neglect or refusal of the proprietor or occupier to cleanse such ditches when duly required so to do by such trustees or surveyors (*h*);

*Surveyor of highways required to cleanse open ditches adjoining highways, &c.*] and with a view to the more effectual removal of nuisances injurious to health it is expedient that such surveyor, district surveyor, or assistant surveyor, trustees or surveyors, should not

---

(*g*) The General Highway Act. 5 & 6 W. 4, c. 50, s. 67, only *empowered* the surveyors of the highways to make, scour, cleanse, and keep open all ditches, gutters, drains, and watercourses, and did not *require* them so to do. Hence the necessity for the provisions contained in this clause.

The 5 & 6 W. 4, c. 50, s. 73, contains provisions for the removal of whatever matter or thing may be laid on any highway, so as to be a nuisance.

(*h*) The Highway Act for Scotland, 8 & 9 Vict. c. 41, s. 22, *empowers* the trustees of the highway, upon the neglect or refusal of the occupier of the land to cleanse side ditches, when duly required by the trustees to do so, themselves to cause such ditches to be cleansed, and to levy the expense thereof from the occupier of the land. But as it is now made the positive duty of the trustees to cleanse all ditches adjoining or along the sides of the highways, there would appear to be no longer any obligation on the occupier to do so.

only be empowered but required to scour, cleanse, and keep clear, or cause to be scoured, cleansed, and kept clear, as far as may be practicable, all open ditches, gutters, drains, and watercourses upon, adjoining, or by or along the sides of any highway: Be it therefore enacted, that the said surveyor, or district or assistant surveyor, trustees, or surveyors, shall scour, cleanse, and keep clear, or cause to be scoured, cleansed, and kept clear, as far as may be practicable, all open ditches, gutters, drains, and watercourses upon, adjoining, or by or along the sides of any highway;

*Application of proceeds of sale of sewage, &c.]* and any sewage, drainage, soil, filth, or other matter or thing whatsoever which shall be removed by any such surveyor, district or assistant surveyor, trustees or surveyors, from any such ditch, gutter, drain, or watercourse, in scouring, cleansing, and keeping clear the same, shall be disposed of by such surveyor, assistant or district surveyor, trustees or surveyors, and the proceeds arising therefrom shall be applied towards the repair of the highway within the parish or place in which such removal shall have taken place.

*Provisions hereinbefore contained to be deemed part of Highway Acts.]* The provisions hereinbefore contained with respect to ditches, gutters, drains, and watercourses upon, adjoining, or by or along the sides of highways, shall, in so far as the same relate to England, be deemed to be part of the said Act relating to highways in England, and in so far as the same relate to Scotland shall be deemed to be part of the said Act relating to highways in Scotland.

SECT. 7. *Drainage into open ditches from new houses a misdemeanor, &c.]* And be it enacted, that whosoever shall suffer any sewage, drainage, soil, filth,

or any matter or thing of a noxious or offensive nature, to run or flow into or to remain in any open ditch, gutter, drain, or watercourse, so as to be a nuisance to or injurious to the health of any person, from any dwelling house, building, or other premises which shall not have been occupied before the passing of this Act, or from any privy or water-closet which shall not have been constructed before that time, shall be deemed guilty of a misdemeanor, or in Scotland of an offence punishable by fine or imprisonment, and shall, in addition, be liable for every such offence to a penalty not exceeding five pounds for every day during which the offence is continued (i).

SECT. 8. *Notice to be given to general board of health, and in Ireland to commissioners of health, of intention to build or open hospitals.*] And be it enacted, that whenever it is intended to build or open any hospital for the reception of patients afflicted with contagious or infectious diseases or disorders, the trustees or other persons by whose authority such hospital is intended so to be built or opened as aforesaid shall give notice of such intention to the said general board of health or (in Ireland) to the commissioners of health herein-after mentioned; and no such hospital shall be built or opened as aforesaid until the said general board of health or commissioners of health, as the case may be, have approved thereof in writing; but nothing herein contained shall apply to the building or opening

---

(i) The ditch, gutter, drain, or watercourse, here referred to, need not necessarily be on the side of a highway, or near to a public thoroughfare. If it be so situate as to cause the noxious matters flowing into it to be a nuisance to or injurious to the health of any person from any dwelling-house, &c., it will be within the statute.

of any addition to a building which shall have been used as a hospital previously to such addition (*k*).

SECT. 9. *Privy council to issue orders for putting in force the provisions of Act relative to the prevention of epidemic diseases, &c.*] And whereas it is expedient that when any part of the United Kingdom shall appear to be threatened with or affected by any formidable epidemic, endemic, or contagious disease, measures of precaution should be taken with promptitude, according to the exigency of the case, be it therefore enacted, that in Great Britain the lords and other of her Majesty's most honourable privy council, or any three or more of them, (the lord president of the council, or one of her Majesty's principal secretaries of state, being one,) and in Ireland the lord lieutenant or other chief governor or governors and privy council of Ireland, may, by order or orders to be by them from time to time made, direct that the provisions hereinafter contained for the prevention of epidemic, endemic, and contagious diseases to be put in force in Great Britain and Ireland (*l*) respec-

---

(*k*) Some union workhouses in England are still without any building appropriated for the exclusive reception of contagious or infectious diseases or disorders, and any addition to a workhouse already erected for the purpose of providing such accommodation would seem not to come within the exception in the proviso to this clause. Whenever, therefore, the guardians of a union determine upon the erection of a fever hospital on the workhouse premises, before they can proceed with the building it would appear to be necessary for them to report their intention to erect it to the general board of health, and obtain the approval of that board as well as the approval of the poor law board.

(*l*) In consequence of the apprehended approach of Asiatic cholera, the privy council by proclamation, dated 28th September, 1848, (for which see Appendix No. 1.) ordered that the provisions contained in this Act for the prevention of epidemic, endemic, and contagious diseases should be put in force throughout the

tively, or in such parts thereof or in such places therein respectively as in such order or orders respectively may be expressed, and may from time to time, as to all or any of the parts or places to which any such order or orders may extend, and in like manner, revoke or renew any such order, and, subject to revocation and renewal as aforesaid, every such order shall be in force for six calendar months, or for such shorter period as in such order shall be expressed (m).

SECT. 10. *After order by privy council, general board of health may issue directions and regulations for the prevention of epidemic, &c. diseases.*] And be it enacted, that from time to time after the issuing of any such order as last aforesaid, and whilst the same shall continue in force, the general board of health (in Great Britain) (n), under the seal of the said board, and the whole of Great Britain immediately from and after the date of the proclamation.

(m) The former Removal of Nuisances Act, 9 & 10 Vict. c. 96, and the Cholera Acts, 2 & 3 W. 4, cc. 10 & 11, enabled the privy council to establish rules and regulations for the prevention, as far as might be possible, of the spreading of *cholera*, or *spasmodic* or *Indian cholera*, or for the relief of any person suffering under or likely to be affected thereby, and for the safe and speedy interment of any person or persons who may die of the disease. But the present Act, it will be observed, makes it the duty of the board of health, in Great Britain, and the commissioners of health, in Ireland, to issue such directions and regulations as they shall think fit for the prevention, as far as possible, and mitigation of, *epidemic*, *endemic*, or *contagious diseases*, and only empowers the privy council to direct the provisions of the Act in this respect to be put in force for a limited period. It will also be observed that the Act makes no special mention of the disease of *cholera*, and that its provisions may be put in force whenever any part of the United Kingdom shall appear to be threatened with, or affected by, *any* formidable epidemic, endemic, or contagious disease.

(n) The powers of the general board of health, under the Public

*Issue of Regulations by General Board of Health. 27*

hands of two or more members thereof, and in Ireland the commissioners of health for the time being, under the hands of two or more of them, may issue such directions and regulations as the said board or last-mentioned commissioners (as the case may be) shall think fit for the prevention, as far as possible, or mitigation, of such epidemic, endemic, or contagious diseases, and from time to time, in like manner, revoke, renew, and alter any such directions or regulations, or substitute such new directions and regulations as to the said board or last-mentioned commissioners may appear expedient (*o*).

*And provide for the cleansing of streets, houses, &c. removal of nuisances, and interment of the dead.*] The said board or last-mentioned commissioners, as the case may be, may by such directions and regulations provide for the frequent and effectual cleansing of streets and public ways and places by the surveyors, district or assistant surveyors of highways, trustees, county surveyors, and others by law intrusted with the care and management thereof, or by the owners and occupiers of houses and tenements adjoining thereto, and for the cleansing, purifying, ventilating, and disinfecting (*p*)

---

Health Act, 1848, extend only to England and Wales; but under this Act they have power to issue directions and regulations for the prevention and mitigation of epidemic, endemic, or contagious diseases, throughout *Great Britain*.

(*o*) On the 5th and 31st October, 1848, the general board of health issued notifications with reference to the appearance of cholera in England and Scotland (Appendix Nos. 2 and 3), and on the 3rd November, 1848, they issued directions and regulations for the prevention, as far as possible, and mitigation of the disease. See Appendix Nos. 4 and 5.

(*p*) Of all the disinfecting agents which have been tried, chloride of zinc is found to be the most salutary in its effects. It possesses the peculiar property of destroying and decomposing noxious smells arising from the putrefaction of animal and vegetable sub-

of houses, dwellings, churches, buildings, and places of

stances immediately on its application to the infected place, and it is consequently largely used for that purpose in the royal navy and government establishments, both at home and abroad, as well as in most hospitals and other large establishments in this country. It has also been used with great success as a means of preserving the health of persons employed in cleansing foul drains, emptying cesspools, and the like. As the parties who will have to put this Act in force may not be acquainted with the properties of this substance, as a disinfecting agent, it has been considered that the following circular letter of the poor law commissioners on the subject, addressed to boards of guardians, and the other papers referred to in it, may be usefully inserted in this place, and tend to disseminate information upon this important subject:—

Poor Law Commission Office, Somerset House.

6th July, 1847.

SIR,—I am directed by the poor law commissioners to state that they have received from the secretary of state for the home department a copy of a report from the surgeon of her Majesty's ship Vengeance to the director general of the medical department of the navy, together with other papers, on the subject of the salutary effect of chloride of zinc, when used as a disinfecting agent.

In consequence of the prevalence of fever at present in some parts of the country, it appears very desirable that the properties of this article, as described in the papers in question, should be made generally known. The commissioners therefore, in accordance with the suggestion of the secretary of state, transmit herewith, for the information of the guardians, copies of the papers referred to, and they request that the guardians will draw the attention of their medical officers to the same, with the view to the use of chloride of zinc being adopted under their directions in the fever wards, and other parts of the workhouses, and in the dwellings of pauper patients attacked by fever, and that the guardians will, for this purpose, provide such a supply of the article as may be necessary.

The commissioners are informed that it may be procured at the office of the proprietors of the patent, No. 53, King William Street, London-bridge.

The commissioners request that in any case in which chloride of zinc is used they may receive from time to time reports as to its efficacy.

I am, Sir, your most obedient servant,

W. G. LUMLEY, Assistant Secretary.

To the Clerk to the Board of Guardians.

*Issue of Regulations by General Board of Health. 29*

assembly, by the owners or occupiers and persons

---

Admiralty, 22nd June, 1847.

SIR,—I had the honour some time ago to call your attention to the salutary and extraordinary effect produced by the use of the chloride of zinc, as a disinfecting agent, and also its singular and beneficial properties in immediately on its application destroying and decomposing the noxious smells arising from the putrefaction of animal and vegetable substances, and also its instant destruction of the smell of bilge water arising in the holds of ships. I now beg leave to solicit your attention to the copy of a letter herewith inclosed from the surgeon of her Majesty's ship Vengeance, just returned to Portsmouth, after carrying large bodies of troops; and at a period like the present, when contagious fever is spreading far and wide in Ireland, and in some of our towns from the immigration of the destitute Irish, I cannot but think that its use would be attended with the greatest advantage, and tend most materially to the preservation of life and the subduing of the contagion or infection.

Having, as you will easily suppose, paid more than common attention to the case of the unfortunate *Eclair*, I have no hesitation in saying that it was by the use of the chloride of zinc in that ship that the fever was finally overcome.

The chloride has been in general use in the navy for more than a year.

I have, &c. W. BURNETT, M.D.  
Director General, Medical Department.

Right Honourable Sir George Grey.

---

H.M.S. Vengeance, Portsmouth,  
13th June, 1847.

SIR,—Having used the chloride of zinc rather extensively, on board H.M.S. Vengeance, whilst employed in the conveyance of troops, I think proper to report to you the result thereof. We carried the 1st battalion of the 42nd regiment, consisting of about 700 men, women, and children, from Malta to Bermuda. "Meazles" had prevailed epidemically in the regiment previously to their embarkation, but we received none on board labouring under the disease; yet, after being ten days at sea, several cases occurred simultaneously among the soldiers, and on the 1st of April, having been then a month at sea, the disease appeared among our own people, ten cases occurring on that day, and from that day to the 15th of the month, when we arrived at Bermuda, fresh cases were almost of daily occurrence, either among our own people or the troops. On getting rid of the troops, which we did at Bermuda, my attention was of course specially directed to every means whereby the contagion could be destroyed. Cleanliness and ventilation were duly



having the care and ordering thereof, for the removal

attended to, and every part of the ship where the sick had been, after being cleaned and aired, was sponged well over with the solution of chloride of zinc several times. Than the result nothing could be better; the disease totally ceased, no fresh case occurring after. On our passage from Halifax, with the 60th regiment on board, the weather was so bad, and the ship working so much, that it was quite impossible to open any of the lower deck ports, on which deck the whole of the people lived, troops as well as our own people, for eight days. The air throughout the deck was exceedingly vitiated with every mixture of noxious smell; but the free use of the chloride of zinc tended, in a most surprising manner, to do away with the bad smell; so much so, that the surgeon of the regiment came to me to get some to use in the part of the ship where the ladies of the officers were. The effect of the chloride of zinc is most obvious in correcting all bad and offensive effluvia; and, from the sudden and surprising manner in which the measles disappeared after its use, it is not, I think, too much to say, that it must have been very instrumental in decomposing the miasm, or state of atmosphere in the ship, which tended to the generation of the disease.

It has struck me, sir, and I hope you will not deem the observation out of place, that it might be most beneficially used in the fever hospitals in Ireland, at the present time, and more especially in the houses of the better classes of the people there, where fever now so much prevails.

It strikes me, in such cases, the best way to use it would be:—after washing and airing rooms where fever had been, to sponge the boards well over with the solution, and allow the moisture to dissipate itself with free ventilation.

I have the honour to be, &c.

B. VERLING,

To Sir W. Burnett, K.C.H.

Surgeon.

&c. &c. &c.

Sir William Burnett's patent fluid, for the preservation of timber, canvas, cotton, woollen, and of all animal and vegetable substances, from rot, mildew, moth, and premature decay, is to be applied to the preservation of animal matter, the disinfection of hospitals, &c. and of putrescent substances, or the purification of bilge water, in the following manner:—

*To purify sick rooms and the wards of hospitals, workhouses, prisons, factories, and crowded places, the between decks of ships, &c.*—Moisten, with the diluted solution (in the proportion of one part of the solution to 60 parts of water), a piece of flannel-cloth, attached to a long rod, and wave it through the air of the apart-

of nuisances, for the speedy interment of the dead, and

ment for ten minutes at a time,—in addition to which the floor should be mopped or sprinkled over with the same dilute solution, if necessary, several times a day, and a small quantity put into the close-stools and bed-pans. The water-closets should also be cleansed with it, and a couple of gallons occasionally thrown down each.

*N.B. For use on board ships, between decks and places where, from imperfect means of ventilation, it may be inconvenient to wet the floors.*—Moisten, with the diluted solution, thick pieces of flannel-cloth—the thicker the better—and wave them through the air of the apartments for ten minutes; and then suspend them in the most convenient manner to the deck-beams, or across the rooms; and keep other similar pieces of cloth, thoroughly and repeatedly saturated with the same solution, in flat dishes upon the floors. It is essentially necessary that the bilge water in the holds of vessels be purified agreeably to the instructions given below.

*To purify fever wards, in cases of death.*—When a patient dies of fever, the body should be sponged over with the dilute solution (1 to 40), and the clothes and bedding should be immersed and kept in a sufficient quantity of it for forty-eight hours before being washed. The floor should be well mopped over with the solution. Flannel, moistened with it (as before recommended), should be waved through the room.

*To purify the clothes, linen, &c., of sick persons.*—Immerse the articles in the dilute solution (1 to 60) as directed in sick rooms.

*To prevent the communication of infectious disease.*—Sprinkle the dilute solution (1 to 50) over the whole of the floor of the apartment, and very slightly on the coverlid of the patient's bed. The clothes used should be immersed in the solution, and afterwards thoroughly dried. Moisten pieces of flannel-cloth, and use them as directed above.

*To purify the odour of night-chairs.*—Put half a pint of the dilute solution (1 to 50) into the pan previous to its use, and when emptied rinse it out with a small quantity.

*To disinfect dead bodies, and purify rooms for the visits of searchers, undertakers, and jurymen, and post-mortem examinations.*—Wash the body occasionally with the dilute solution (1 to 50), which will remove all unpleasant smell, and retard putrefaction.

generally for preventing or mitigating such epidemic, endemic, or contagious diseases, in such manner as to

---

*To prepare, and arrest the decomposition of, subjects for dissection.*—Immerse the subject in the dilute solution (1 to 40), and let it remain about two hours; after which time it will be purified. As the dissection proceeds, the parts should be sponged over with the same; and, if they are to be preserved, the blood vessels should be injected with the solution.

*To disinfect cesspools, drains, water-closets, &c.*—Pour in a quantity of the solution in proportion to the capacity of the receptacle. For ordinary water-closets, one gallon of the dilute solution (1 to 60) will generally be effectual; for large cesspools, the quantity must be increased in proportion to their contents.

*To purify larders, dairies, stables.*—Sprinkle the floor and wash all the wood work with the dilute solution (1 to 60).

*To sweeten musty casks, tubs, &c.*—Rinse them well with the dilute solution (1 to 80).

*To destroy canker and fungus in trees, &c.*—Apply the solution (1 to 30) carefully with a brush to the parts affected only.

*To extirpate bugs and other vermin.*—Wash the floors and all the crevices with the dilute solution (1 to 20). The joints, &c., of the bedsteads should be moistened by a brush with a solution consisting of one part of fluid to five parts of water.

*To purify bilge-water, and the holds of ships.*—The quantity to be used at a time is twenty gallons of the dilute solution (1 to 20) for each hundred tons of the ship's measurement. It should be poured into the air-holes of the ship, so that it may find its way by the limber-holes into the well; and it should be thrown by a small engine into places where it may be inconvenient to introduce it by other means. A portion may also be poured down the ship's pumps, the boxes being previously removed to allow of its free passage below. The solution should remain in the ship twenty-four hours. At the expiration of that time, the ship should be pumped as dry as possible, the well thoroughly cleansed and washed with the solution, and the operation repeated as often as required.

N.B. When floors and other woodwork are washed with the solution, the use of soap or soda should be avoided immediately before or after its application.

the said board or last-mentioned commissioners (as the case may be) may seem expedient(*g*).

*Guardians of the poor to superintend and see to execution of directions of general board of health.]*

The said board or last-mentioned commissioners may by any such directions and regulations authorize and require the guardians of the poor in England(*r*) and Ireland, and the parochial boards for the management of the poor in Scotland, by themselves or their officers, or any persons employed by them in the administration of the laws for the relief of the poor, or by officers specially appointed in this behalf to superintend and see to the execution of any such directions and regulations, and (where it shall appear that there may be default or delay in the execution thereof, by want or neglect of such surveyors, trustees, or others intrusted as aforesaid, or by reason of poverty of occupiers, or otherwise), to execute or aid in executing the same within their respective unions and parishes and combinations, and in any extra-parochial places adjoining to or surrounded by the same in which the directions and regulations of the said board or last-mentioned commissioners shall not be executed by the inhabitants,

---

(*g*) In districts, for which local boards of health may be appointed under the Public Health Act, 1848, it will be the duty of those boards, by their officers, to see that all streets and public ways are kept clean, and all nuisances removed; but this clause makes further provision for that duty in unions, and gives extended powers to the guardians in regard to the cleansing, purifying, ventilating, and disinfecting of all buildings and places of assembly, when the same is neglected by the owners or occupiers thereof.

(*r*) As to parishes having no guardians, and in which the poor are managed under the statute of Elizabeth, see note (*d*) to section 1, page 2.

and to provide for the dispensing of medicines(s), and for affording to persons afflicted by or threatened with such epidemic, endemic, or contagious diseases such medical aid(s) as may be required, and to do and provide all such acts, matters, and things as may be necessary for superintending or aiding in the execution of such directions and regulations, or for executing the same, as the case may require(t).

---

(s) Medicine and medical aid must be supplied by the guardians to persons afflicted with or threatened with epidemic, endemic, or contagious diseases, whether such persons be actually paupers or not, and without any reference to questions of settlement. As to the funds out of which the attendant expenses are to be paid, see section 14 and note.

(t) The following remarks and suggestions, in reference to cholera, were submitted to the poor law board by Messrs. Martin and Toynbee and Dr. Farre, who were appointed in December, 1847, to report on the capabilities of the metropolitan workhouses for the reception and treatment of cholera cases, and are not inappropriately inserted in this place:—

*Introductory Remarks.*

Believing it to be the desire of government to direct its attention and care to the prevention of disease, even more than to its cure, we beg leave to submit the following hints, arranged in the most brief manner, consistent with being intelligible, for the guidance of such as may be in a position of control over charitable or other institutions, or who may be in familiar intercourse with the working classes. We here confine ourselves to what may be effected by guardians of workhouses, families, and individuals, not trenching on those great national measures of prevention which can alone emanate from an enlightened and careful legislation.

We are certain that vast numbers of lives have been lost from the ignorance of the lower orders as to what ought to be done under this and other epidemic invasions.

The hints here offered are simple and easy of practical application. Their adoption on the part of those most openly exposed to the severity of cholera and other epidemics, would, without doubt, prove the means of saving many lives, and first, as to the moral influences.

*Places to which directions and regulations of general board of health shall extend.*]. The directions and regu-

---

*General Suggestions in reference to Cholera.*

1. Let despondency give place in the public mind to a cheerful and confident pursuit of every man's daily occupations. This is of the utmost importance to health,—a regular, sober, and active mode of life having everywhere been found eminently preservative against cholera.
2. Let the notion of the infectious nature of cholera be dismissed. It has not a foundation in ascertained fact in any of the countries visited by the disease.
3. Of numberless examples in proof, we would select the following :—
  - a. That many hundreds of persons have been seized with cholera, on its first outbreak in a city or camp, within twenty-four hours; a fact observed in all countries visited by this epidemic, and one totally irreconcilable with its propagation by infection.
  - b. That very frequently cholera has broken out in places far distant from those in which the disease actually prevailed at the time, no communication whatever existing between the two localities.
  - c. That many instances have occurred of the disease swooping on a district, station, or town previously free from the disease, disappearing in a few days, and not returning for months or even years.
  - d. That the cholera has often been observed to select certain parts of districts and cities, and those generally the overcrowded, low, and damp quarters, committing great ravages there; while other localities, and these generally the elevated and dry, have almost or altogether escaped invasion.
  - e. That nowhere have quarantine regulations availed in the least degree to avert or retard the progress of cholera.
  - f. That many cities and towns have been altogether exempt from cholera (as Birmingham and Tain), while it prevailed generally and fatally within a few miles, and in places holding uninterrupted common intercourse, as Bilston near Birmingham, and Inver near Tain.
  - g. That in the Bengal Presidency, "of between 250 and 300

lations to be issued as aforesaid shall extend to all parts or places in which the provisions of this Act for the pre-

---

medical officers, most of whom saw the disease largely, only three persons were attacked, and only one attack proved fatal;" while in the Madras Presidency, during five years of cholera, there died per annum but one medical officer out of 77.

- h. That the subordinate medical attendants on the cholera patients have not been, either at home or in India, attacked by the disease in any greater proportion than the medical officers.
  - i. That ordinary patients in hospitals in which cholera is treated, however debilitated by other diseases, are not affected by it in a larger proportion, if in so large, as the healthy out of hospital.
  - j. That in France "departments, parishes, towns, and even villages," have been "inundated" with immigrants from places "devastated by the disease," yet the inhabitants in the former places have remained "entirely free."
  - k. That where several members of a family have been attacked, the disease has occurred so nearly at, or about, the same time in each individual, as to forbid the belief in its propagation from person to person.
4. Let therefore the panic arising from the notion of infection be dismissed. Such terror predisposes healthy persons to the disease, while, by fostering a debasing selfishness, it tends also to deprive the helpless sick of their natural succour.
5. The natural advantages of an elevated and dry site have been experienced in all the countries visited by cholera, and they are here noted as pointing to a most important natural means of prevention.
6. Cholera is the most dangerous of diseases, only because of its extraordinary acuteness comparatively—in other words, because it is the most violent in its seizure, and the most rapid in its progress and termination of all known diseases. Here the loss of an hour may compromise life; and throughout the disease the most careful and attentive nursing of the sick is of the utmost importance to the cure. Many lives are lost in cholera through the mere

vention of epidemic, endemic, or contagious diseases shall for the time being be put in force under such

---

endeavour of the patient to sit or stand erect, so exhausted are the powers of life in the latter stages of this disease.

*Particular Suggestions, in reference to Cholera.*

1. We would urge the necessity, in all cases of cholera, of an instant recourse to medical aid, and also under every form and variety of indisposition; for during the prevalence of this epidemic, all disorders are found to merge in the dominant disease.

2. Let immediate relief be sought under disorder of the bowels especially, however slight. The invasion of cholera may thus be readily and at once prevented.

3. Let every impurity, animal and vegetable, be quickly removed to a distance from the habitations; such as slaughter-houses, pigsties, cesspools, necessaries, and all other domestic nuisances.

4. Let all uncovered drains be carefully and frequently cleansed.

5. Let the grounds in and around the habitations be drained, so as effectually to carry off moisture of every kind.

6. Let all partitions be removed from within and without habitations, which unnecessarily impede ventilation.

7. Let every room be daily thrown open for the admission of fresh air; and this should be done about noon, when the atmosphere is most likely to be dry.

8. Let dry scrubbing be used in domestic cleansing, in place of water-cleansing.

9. Let excessive fatigue and exposure to damp and cold, especially during the night, be avoided.

10. Let the use of cold drinks and acid liquors, especially under fatigue, be avoided, or when the body is heated.

11. Let the use of cold acid fruits and vegetables be avoided.

12. Let excess in the use of ardent and fermented liquors and tobacco be avoided.

13. Let a poor diet, and the use of impure water in cooking, or for drink, be avoided.

14. Let the wearing of wet and insufficient clothing be avoided.

15. Let a flannel or woollen belt be worn round the belly.

N. B.—This has been found serviceable in checking the tendency to bowel complaint, so common during the prevalence of cholera. The disease has, in this country, been



orders as aforesaid, unless such directions and regulations shall be expressly confined to some of such parts or places, and then to such parts or places as in such directions and regulations shall be specified, and (subject to the power of revocation and alteration herein contained) shall continue in force so long as the said provisions of this Act shall be in force, under such orders, in the parts or places to which such directions and regulations shall under this provision extend.

*Proviso in case there should be no commissioners of*

---

always found to commence with a looseness in the bowels, and in this stage is very tractable. It should, however, be noticed that the looseness is frequently unattended by pain or uneasiness, and fatal delay has often occurred from the notion that cholera must be attended with cramps. In the earlier stage here referred to there is often no griping or cramp, and it is at this period that the disease can be most easily arrested.

16. Let personal cleanliness be carefully observed.

17. Let every cause tending to depress the moral and physical energies be carefully avoided; let exposure to extremes of heat and cold be avoided.

18. Let crowding of persons within houses and apartments be avoided.

19. Let sleeping in low or damp rooms be avoided.

20. Let fires be kept up during the night in sleeping or adjoining apartments, the night being the period of most danger from attack, especially under exposure to cold or damp.

21. Let all bedding and clothing be daily exposed during winter and spring to the fire, and in summer to the heat of the sun.

22. Let the dead be buried in places remote from the habitation of the living.

By the timely adoption of simple means such as these, cholera or any other epidemic will be made to lose its venom; so true is it that "internal sanitary arrangements, and not quarantine and sanitary lines, are the safeguards of nations."

For the views of the general board of health on this subject see the notification issued by that board, Appendix Nos. 2 and 3.

*health in Ireland.*] Provided always, that if at any time in Ireland there shall not be any commissioners of health, the lord lieutenant or other chief governor or governors of Ireland, by his or their warrants, may appoint so many persons as he or they may think fit, not being more in number than five, to act as commissioners of health in Ireland, without salary, fee, or reward, and may from time to time remove any of such commissioners, and appoint any other person in his stead; and such commissioners shall for all purposes be commissioners of health in Ireland within the meaning and for the purposes of this Act.

SECT. 11. *One medical member of general board of health may be appointed.*] And be it enacted, that her Majesty may from time to time, during the continuance of any order of her Majesty's privy council or of any members thereof as aforesaid, by warrant under the royal sign manual, appoint, in addition to the members for the time being of the general board of health, one fit person to be a medical member of such board for the purposes of this Act, and her Majesty may at her pleasure remove any person so appointed (u).

*Treasury to pay allowances to person so appointed.*] There shall be paid to the person or persons so appointed such allowance or allowances as shall be appointed by the commissioners of her Majesty's treasury, out of any monies which may from time to time be appointed by parliament for that purpose.

SECT. 12. *Poor law commissioners may compel officers to execute regulations and directions of the general board*

---

(u) Dr. T. Southwood Smith, principal physician of the London Fever Hospital, has been appointed as the medical member of the general board of health for the purposes of this Act.

*of health.*] And be it enacted, that the commissioners for administering the laws for the relief of the poor in England and Ireland respectively, and the board of supervision established under the said Act for the amendment and better administration of the laws relating to the relief of the poor in Scotland, may require the officers and persons acting under them to inquire into, superintend, and report on the execution of the directions and regulations of the general board of health, or commissioners of health, as the case may be, under this Act, and shall have the same powers for enforcing and directing the execution of such directions and regulations by the said guardians and parochial boards respectively as they now or may hereafter have in relation to any matter concerning the administration of the laws for the relief of the poor (*v*).

---

(*v*) The 10th section empowers the general board of health and commissioners of health, in Ireland, to require the guardians of the poor in England and Ireland, and parochial boards in Scotland, to superintend and see to the execution of their directions and regulations, and does not provide any means of *compelling* the guardians or parochial boards to do so. But upon the issue of any such directions and regulations by the board of health or commissioners of health, it would seem to be intended that the poor law board in England, the poor law commissioners in Ireland, and the board of supervision in Scotland, shall, under this section, issue orders to the unions and combinations in which the provisions of the Act, in regard to epidemic, endemic, or contagious diseases, may, by an order in council, be declared to be in force, requiring the officers and persons acting under them to inquire into, superintend, and report on the execution of the directions and regulations of the general board of health and commissioners of health; but what "officers, and persons acting under them," are alluded to in the section is not quite apparent, though doubtless, the officers of the unions, parishes, and combinations are intended. Again, it is not easy to see in what way the poor law commissioners and board of supervision are to enforce and direct

SECT. 13. *Power of entry for the purpose of enforcing regulations.*] And be it enacted, that the said guardians and parochial boards acting in the execution of any such directions or regulations as aforesaid, or the officers or persons by them in this behalf authorized, at reasonable times in the daytime, may and they are hereby empowered to enter and inspect any dwelling or place, if there be ground for believing that any person may have recently died of any such epidemic, endemic, or contagious disease in any such dwelling or place, or that there is any filth or other matter dangerous to health therein or thereupon, or that necessity may otherwise exist for executing, in relation to the premises, all or any of such directions and regulations as aforesaid.

SECT. 14. *Power of guardians to appoint officers to carry out regulations of general board of health.*] And be it enacted, that the said guardians and parochial boards may appoint or employ, for the superintendence and execution of the said directions and regulations, officers or persons (x) in aid of the officers or persons

---

the execution of the directions and regulations of the *general board of health* by the guardians and parochial boards, notwithstanding that they are to have the same powers of doing so as they have in relation to any matter concerning the administration of the laws for the relief of the poor. Two courses would seem to be open for adoption by the poor law board in England, namely, to issue an order in the usual way, requiring the guardians and their officers to carry out the directions and regulations of the general board of health, and afterwards enforce that order by *mandamus*, or else apply at once to the court of Queen's Bench for a *mandamus* to the guardians to show cause why they do not carry out those regulations.

(x) The guardians and parochial boards under this section will have authority to appoint medical men, whose special duty it shall be to visit and attend to cases of disease of the nature

employed in the administration of the laws for the relief of the poor.

*Expenses of guardians to be paid out of poor rate.]* Such guardians and parochial boards respectively shall defray the expenses incurred by them respectively in the superintendence and execution of such directions and regulations out of the funds of their respective unions, parishes, or combinations (y).

*Provision as regards extra-parochial places.]* If any such expenses shall have been incurred on account or in respect of any extra-parochial place in England or Ireland, the same shall, upon an order in writing specifying the sum to be paid, under the hands and seals of two justices, who are hereby empowered to make such order, upon proper application in this behalf, be paid or defrayed out of any public rates or funds raised therein or applicable thereto under the authority of parliament, or in case there be no such rates or funds as last aforesaid, then out of the funds of the union or parish for which the guardians by whom the expenses have been incurred act.

*Provision as regards places in Scotland in which there is no assessment for relief of the poor.]* In case any such expenses shall have been incurred on account or in respect of any parish in Scotland in which it shall happen that there is not at the time an assessment for the relief of the poor imposed or levied, then the same shall be paid or defrayed out of an assessment to be imposed and levied for that purpose, and to the extent necessary, under and in the manner provided by the said Act for the amendment and better adminis-

---

intended to be provided against. As to the remuneration of the officers, see note to page 5.

(y) In the case of unions and combinations, these expenses will be charged to, and be paid out of the common fund of the union

tration of the laws relating to the relief of the poor in Scotland (z).

SECT. 15 *Orders, directions, and regulations to be said before parliament.*] And be it enacted, that every order of her Majesty's privy council, or of the lord lieutenant and privy council of Ireland, and every direction and regulation for the said general board of health or commissioners of health under this Act, shall, forthwith upon the issuing thereof, be laid before both houses of parliament, if parliament be then sitting, and if not, then within fourteen days next after the commencement of the then next session of parliament.

*And to be gazetted.*] Every such order of her Majesty's privy council, or any members thereof, as aforesaid, shall be certified under the hand of the clerk in ordinary of her Majesty's privy council, and shall be published in the London Gazette, and every such order of the lord lieutenant and privy council of Ireland shall be certified under the hand of one of the clerks of the privy council of Ireland, and shall be published in the Dublin Gazette; and every such direction and regulation as aforesaid when issued in Great Britain shall be published in the London Gazette and in the Edinburgh Gazette, and when issued in Ireland in the Dublin Gazette; and such publication of any such order, direction, or regulation shall be conclusive evidence of the order, direction or regulation so published, to all intents and purposes.

SECT. 16. *Penalty for obstructing execution of this Act.*] And be it enacted, that whosoever shall wilfully

---

or combination, notwithstanding that they may have been incurred in respect of particular parishes only.

(z) See note (c) to section 4, page 20.

obstruct any person acting under the authority or employed in the execution of this Act, or who shall wilfully violate any direction or regulation issued by the general board of health, or such commissioners of health as aforesaid, under this Act, shall be liable for every such offence to a penalty not exceeding five pounds (a).

*If occupier of premises prevent execution of Act, justices may by an order in writing require him to permit the execution of the necessary works.*] If the occupier of any premises prevent the owner thereof from obeying or carrying into effect the provisions of this Act, any justice, or in Scotland the sheriff or any justice, to whom application is made in this behalf, shall by order in writing (which may be according to the form contained in the schedule (D.) to this Act annexed, or to the like effect,) require such occupier to permit the execution of the works required to be executed, provided that such works appear to such sheriff or justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act (b).

---

(a) By section 12, the poor law commissioners in England and Ireland, and the board of supervision in Scotland, are to have the same powers for enforcing and directing the execution of the directions and regulations of the board of health as they now or may hereafter have in relation to any matter concerning the administration of the laws for the relief of the poor. If, therefore, the poor law board in England issue an order to a board of guardians for enforcing and directing the execution of the directions and regulations of the board of health referred to in section 10, and such order be not obeyed, the parties wilfully neglecting to obey it, will be liable to the penalties imposed by the 4 & 5 W. 4, c. 76, s. 98, for wilfully disobeying the orders of the poor law board. See note to section 12, page 38.

(b) Under sections 1 & 2 the justices and sheriffs are empowered to make an order for cleansing, whitewashing, or purifying any dwelling house or building, or for the removal or abatement of any cause of complaint; but in the event of the occupier of any

*Penalty in case of refusal.*] If within a reasonable time after the making of such order the occupier against whom it is made refuse to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day afterwards during the continuance of such refusal.

SECT. 17. *Recovery of penalties in England or Ireland.*] And be it enacted, that penalties imposed by this Act for offences committed in England or Ireland may be recovered by any person before any two justices, and may be levied by distress and sale of the goods and chattels of the offender, together with the costs of such distress and sale, by warrant under the hands and seals of the justices before whom the same shall be recovered, or any other two justices; and in case it shall appear to the satisfaction of such justices, before or after the issuing of such warrant, either by the confession of the offender or otherwise, that he hath not goods and chattels within (c) their jurisdiction sufficient to satisfy the amount, they may commit him to any gaol or house of correction for any time not exceeding fourteen days,

---

premises preventing the owner from obeying the order of the justices or sheriff, it would seem that under this section the occupier cannot be compelled to permit the execution of the works, unless it be *made to appear* to the sheriff or justice that the works are necessary for the purpose of obeying the original order.

(c) It will be observed, that although, under section 3, the goods of an offender *beyond* the jurisdiction of the justices may be followed and distrained upon in satisfaction of costs incurred under the Act, yet such goods cannot be distrained upon for the recovery of *penalties* imposed by the Act.

This section is altogether confined to the recovery of penalties for offences under the Act, and it does not apply to the expenses incurred in the removal of nuisances when the owner or occupier neglects to remove them within the specified time.



unless the amount be sooner paid, in the same manner as if a warrant of distress had issued and a return of *nulla bona* been made thereon.

*And in Scotland.*] Penalties imposed by this Act for offences in Scotland may be recovered by the procurator fiscal of the court, or by any other person, before the sheriff or two justices, who may proceed in a summary way, and grant warrant for bringing the parties complained upon immediately before him or them, and on proof on oath by one or more credible witness or witnesses, or other legal evidence, he or they may forthwith determine and give judgment, without any written pleadings or record of evidence, and grant warrant for the recovery of the penalties and expenses decerned for, and, failing payment within eight days after conviction, by poinding and imprisonment for a period, at the discretion of the sheriff or justices, not exceeding fourteen days (*d*).

*Application of penalties.*] All penalties whatsoever recovered under this Act shall be paid to or (as the case may require) be retained by the guardians of the poor, or, in Scotland, the parochial board for the management of the poor, and shall be by them applied in aid of the rates or funds for the relief of the poor of the parish, electoral division, or place in which the penalties may have been incurred.

SECT. 18. *One or more of several joint owners or occupiers may be proceeded against alone.*] And be it enacted, that in case of any demand or complaint under this Act to which two or more owners or occupiers of premises may be jointly answerable, it shall be sufficient to proceed against any one or more of them,

---

(*d*) See note, preceding page.

without in any manner proceeding against the others or other of them.

*Preservation of rights of two or more owners or occupiers to recover as against each other.*] But nothing herein contained shall prevent the parties so proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

SECT. 19. *Unnecessary to describe owner or occupier by name in certain cases.*] And be it enacted, that wherever in any proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description (e).

SECT. 20. *Proceedings not to be quashed for want of form.*] And be it enacted, that no order nor any other proceeding, matter, or thing done or transacted in or relating to the execution of this Act, shall be vacated, quashed, or set aside for want of form, or be removed or removable by certiorari, or by suspension or advocacy, or other writ or process whatsoever, into any of the superior courts (f).

---

(e) It will not infrequently happen that the name of neither owner nor occupier of the premises complained of can be ascertained—this clause will therefore do away with the necessity of all such inquiries; but care must be taken to describe the premises accurately, as any material error of description, so as to make it uncertain what premises are intended to be referred to, would render the authorities entering upon the wrong premises for the purpose of removing a nuisance, or for any other purpose in connection with this Act, liable to an action in trespass.

(f) This Act gives no right of appeal from any order of justices or sheriffs made under its provisions.

SECT. 21. *Proceedings commenced under 9 & 10 Vict. c. 96, may be enforced although that Act has expired.*] And be it enacted, that all proceedings whatsoever commenced or taken or to be commenced or taken under the said first-recited Act of the tenth year of her Majesty's reign, and which shall not have been completed and enforced whilst the last-mentioned Act continues in force, may be proceeded with and enforced, under the provisions of that Act, although such provisions be no longer in force, in the same manner in all respects and to all intents and purposes, as if the same continued to be in force, and as if the said last-mentioned Act had not expired.

SECT. 22. *Interpretation of terms.*] And be it enacted, that in this Act the following words and expressions shall have the meanings hereinafter assigned to them, unless such meanings be repugnant to or inconsistent with the context.

"*Justice*" and "*justices.*" ] The words "justice" and "justices" shall mean a justice or justices of the peace acting for the place where the matter or any part of the matter, as the case may be, requiring the cognizance of the "justice" or "justices," arises (g).

"*Two justices.*" ] The expression "two justices" shall mean two or more justices assembled and acting together, or one stipendiary or police magistrate acting in any police court for the place in which the matter or any part of the matter, as the case may be, requiring the cognizance of "two justices," arises.

"*Sheriff.*" ] The word "sheriff" shall mean the

---

(g) The former Act required that the justice or justices and sheriffs acting under it "shall not be interested in the matter." This limitation on their powers has very properly been omitted in the present Act.

sheriff of any county or place in Scotland where the matter requiring the cognizance of the "sheriff" arises, and shall include the sheriff substitute (h).

"*Magistrates.*" ] The word "magistrates" shall mean the magistrates of any royal burgh in Scotland where the matter requiring cognizance arises (h).

"*Guardians of the poor*" and "*parochial board.*" ] The words "guardians of the poor" and the words "parochial board," shall mean the guardians, directors, wardens, governors, parochial board, or other like officers having the management of the poor for any union, parish, combination, or place where the matter requiring the cognizance of any such officers arises (i).

"*Street.*" ] The word "street" shall include every highway, road, square, row, lane, mews, court, alley, and passage, whether a thoroughfare or not.

"*Owner.*" ] The word "owner" shall mean any person receiving the rents of the property in respect of which that word is used from the occupier of such property, on his own account, or as trustee or agent for any other person, or who would receive the same if such property were let to a tenant (k).

"*Person.*" ] The word "person," and words applying to any person or individual, shall apply to and include corporations, whether aggregate or sole.

*Words and expressions importing the singular number and masculine gender.* ] Words and expressions importing the singular number shall include the plural

---

(h) See note (g), ante, page 48.

(i) As to "guardians of the poor" not including "overseers of the poor," see note (d) to section 1, p. 2.

(k) If the owner be also the occupier of the property, in any proceedings against him under the Act, he may be properly described as either the owner or the occupier.

number, and words importing the masculine gender shall include females.

SECT. 23. *Mode of citing this Act.*] And be it enacted, that in citing this Act in other Acts of Parliament, and in legal instruments and other proceedings, it shall be sufficient to use the words "The Nuisances Removal and Diseases Prevention Act, 1848."

SECT. 24. *Act may be amended, &c.*] And be it enacted, that this Act may be amended or repealed in this present session of parliament.

## SCHEDULES

### TO WHICH THE FOREGOING ACT REFERS.

---

#### SCHEDULE (A.)

##### *Notice by Householders.*

To the town council of the borough of — [or guardians of the poor of the — union or of the parish of —, (1) in the county of —, or as the case may be; or, in Scotland, to the procurator fiscal of the county of —, or to the procurator fiscal or dean of guild of the burgh of —, or to the inspector of the poor of the parish of —, or as the case may be.]

We, the undersigned —, inhabitants (m) [or, in Scotland, householders] of —, [insert the parish or place], and residing at —, [insert the parish or place before mentioned] aforesaid, do hereby give you notice, (n) that to the

(1) If the parish be comprised within a union the notice must be directed to the guardians of the union generally, and not to the guardians of any particular parish in the union in which the nuisance sought to be removed exists. The words "or of the parish of —" are introduced to meet the case of a single parish under the management of a board of guardians, and do not give an option of preferring the complaint either to the guardians of the union generally, or to those only of any particular parish within the union.

(m) The form of the notice only specifies "inhabitants;" but the first and second sections require that the notice shall be signed by two or more inhabitant householders.

(n) It will be necessary that a separate notice should be given in respect to each house or premises in or upon which a nuisance may be alleged to exist, notwithstanding that the nuisance alleged be only one in point of fact, as, for instance, an offensive drain or ditch, running through or communicating with two or more distinct properties in different occupations, or belonging to different owners. But if there should be only one owner, or joint owners of the property, notwithstanding there may be several distinct

52 11. § 12 Vict. c. 123.—Schedules (A. & B.)

best of our knowledge and belief a dwelling house [or building] situate at No. — in — street, in — aforesaid [or such other description as may be sufficient to identify the premises] is in such a filthy and unwholesome condition as to be a nuisance to [or injurious to the health of] A. B. (o), or as the case may be, [or that upon certain premises situate at [inserting such a description as may be sufficient to identify the premises] there is a foul and offensive drain, ditch, gutter, privy, cesspool, or ashpit, or a drain, &c. kept or constructed so as to be a nuisance to us, or to the occupiers of the premises adjoining the premises aforesaid, or as the case may be, or that upon certain premises situate at, &c. swine, or an accumulation of dung, manure, offal, filth, refuse, or matter, or as the case may be, are or is kept so as to be injurious to our health, or to the health of A. B. or of the occupiers of the premises adjoining the premises aforesaid, or of persons living in the neighbourhood, or of the persons living in the premises aforesaid, as the case may be, or that upon certain premises, &c. swine, &c. are kept so as to be a nuisance to us, &c. as the case may be.] And we hereby required (p) that you will cause such proceedings to be taken as are directed in this behalf by the "Nuisances Removal and Diseases Prevention Act, 1848."

Dated this — day of —, one thousand eight hundred and —.

A. B.

C. D.

SCHEDULE (B.)

*Summons to appear.*

To the owner (q) [or occupier] of a dwelling house [or

occupations, it would seem that one notice would be sufficient, if the proceedings are taken against the owner or joint owners, and not against the occupiers.

(o) That is, the two or more inhabitant householders signing the notice.

(p) This word is so printed in the original.

(q) See note (n) to form of notice, schedule (A) as to proceedings against the owner of property let in separate occupations.

building, or of certain premises,] situate at [insert such a description as may be sufficient to identify the premises.]

County of —, } WHEREAS complaint hath been  
[or borough, &c. of —, } made to the undersigned, one of  
or metropolitan police dis- } her Majesty's justices of the peace,  
trict, or as the case may be } to wit.  
acting in and for the said county of —, [or borough, &c.,  
of —], or one of the magistrates of the police courts of  
the metropolis holden at — [or as the case may be], by the  
town council (r) of the borough of — [or as the case may  
be], that a certain dwelling house [or building] situate at  
No. —, in the parish of — [or as the case may be] in the  
county of —, [or such other description as may be  
sufficient to identify the premises] is in such a filthy and  
unwholesome condition as to be a nuisance to or injurious to  
the health of A. B. or as the case may be, [or that upon  
certain premises situate at [inserting such a description as  
may be sufficient to identify the premises], there is a foul and  
offensive drain [ditch, gutter, privy, cesspool, or ashpit, or  
a drain, &c. kept or constructed so as to be a nuisance to  
A. B. &c. [or as the case may be], or that swine [or an accu-  
mulation of dung, manure, offal, filth, refuse, or matter, or  
as the case may be,] are [or is] kept so as to be injurious to  
the health of A. B. or of the occupiers of the premises ad-  
joining the premises aforesaid, or of persons living in the  
neighbourhood of the premises aforesaid, or of persons living  
in the premises aforesaid, or a nuisance to A. B. &c. as  
the case may be.] These are therefore to require you to  
appear before two of her Majesty's justices of the peace [or  
one of the magistrates of the police courts of the metropolis,  
at the court holden at —], on the — day of — next, at  
the hour of —, to answer the matter of the said complaint.

Given under my hand and seal, this — day of —, in  
the year of our Lord one thousand eight hundred and —.

J. K. [L.S.]

---

(r) If the complaint be made by a committee of the town  
council appointed for the purpose, it would seem to be proper to  
describe the complainants as "a committee of the town council  
of," &c.



## SCHEDULE (C.)

*Order for Removal of Nuisances, &c.*

To the owner (s) [or occupier] of the dwelling house [or building or premises] situate at No. —, in — street in the parish of —, in the county of — [or such other description as may be sufficient to identify the premises], and to the town council of the borough of — [or to the guardians of the poor of the — union, or of the parish of —, in the county of —, or, in Scotland, the procurator fiscal of the county of —, or the procurator fiscal or dean of guild of the burgh of — or, the procurator fiscal of the justices of the peace of the county of —, or the inspector of the poor of the parish of —, as the case may be], and to their servants or agents, and to all whom it may concern.

County of —, [or borough, &c. of —, or metropolitan police district, or as the case may be] to wit.	}	WHEREAS on the — day of — last complaint was made before the undersigned [or before J. K. Esquire, one of her Majesty's justices of the peace acting in and for the county of — [or before the undersigned, or J. K. Esquire, one of the magistrates of the police courts of the metropolis, or as the case may be,] by the town council of the borough of — [or by the guardians of the poor of the — union, or of the parish of —, in the county of —; or, in Scotland, by the procurator fiscal of the county of —, or by the procurator fiscal or dean of guild of the burgh of —, or by the procurator fiscal of the justices of the peace of the county of —, or by the in- spector of the poor of the parish of —, as the case may be], that a dwelling house [or building] situate at No. — in — street, in [the parish or place before mentioned] aforesaid, [or such other description as may be sufficient to identify the premises,] then was in such a filthy and un- wholesome condition as to be a nuisance [or injurious to the health of A. B. or as the case may be [or that upon certain
---	---	--

(s) See note (n) to form of notice, schedule (A) as to proceedings against the owner of property let in separate occupations.

premises situate at [inserting such a description as may be sufficient to identify the premises] there then was a foul and offensive drain, [ditch, gutter, privy, cesspool, or ashpit, or a drain, &c. kept or constructed so as to be a nuisance to A. B. &c., as the case may be], or that upon certain premises, situate, &c. swine, or an accumulation of dung, manure, offal, filth, or refuse, or as the case may be, are or is kept so as to be injurious to the health of A. B. or of the occupiers of the premises adjoining the premises first aforesaid, or of persons living in the neighbourhood of the premises first aforesaid, or of persons living in the premises first aforesaid, or so as to be a nuisance to A. B. &c.: And whereas the owner [or occupier] of the said dwelling house, building, or premises having this day appeared before us, two of her Majesty's justices of the peace acting in and for the county [or borough] of [or before me, one of the magistrates of the police courts of the metropolis, or, in Scotland, before the sheriff or magistrates or two justices of the peace, as the case may be], to answer the matter of the said complaint [or in case the party charged do not appear: And whereas it hath this day been proved to our [or my] satisfaction, that a true copy of a summons requiring the owner [or occupier] of the said dwelling house [or building or premises] to appear this day before us, [or me] has been duly served according to the statute in such case made and provided], and it having been proved [or also proved, as the case may require,] that the said dwelling house [or building] is in such a filthy and unwholesome condition as aforesaid [or that upon the premises aforesaid [or first aforesaid] there is a foul and offensive drain [privy, cesspool, or ashpit, or a drain, &c. kept or constructed so as to be a nuisance to A. B. &c. as the case may be], or that upon the premises aforesaid, or first aforesaid, an accumulation of dung, manure, offal, filth, or refuse, or as the case may be, is kept, or a pigsty exists, so as to be injurious to health as aforesaid, or so as to be a nuisance to A. B. &c. as the case may be]: We [or I] do hereby, in pursuance of the statute in such case made and provided, order the said owner [or occupier] of the said dwelling house [or building, or premises, or first-mentioned premises within — hours from the service of

this order [or a true copy thereof], according to the statute in such case made and provided, to cleanse [whitewash or purify] the said dwelling house [or to cleanse, cover, or fill up, or as the case may require, the said drain, [ditch, gutter, privy, cesspool, or ashpit, or otherwise as the case may require], or remove the said pigstye or accumulation of dung, offal, filth, refuse, or matter, as the case may be], so that the same shall not be injurious to health, or a nuisance, as aforesaid]; and if this order be not complied with, then we [or I] authorize and require you the said town council [or guardians of the poor, or, in Scotland, the procurator fiscal of the county of —, or the procurator fiscal or dean of guild of the burgh of —, or the procurator of the justices of the peace of the county of —, or the inspector of the poor of the parish of —, as the case may be] to enter upon the said dwelling house, [or building, or premises, or first-mentioned premises,] and to do all such works, matters, and things as may be necessary for carrying this order into effect, according to the statute in such case made and provided.

And for your so doing this shall be your sufficient warrant.

Given under our hands and seals [or my hand and seal, or, in Scotland, our hands, or my hand], this — day of —, one thousand eight hundred and —.

Signatures, { [L.S.] (t)  
[L.S.] (t)

#### SCHEDULE (D.)

##### *Order to permit Execution of Works by Owners.*

County of —, [or borough, or burgh, or metropolitan police district, or as the case may be] to wit.	}	WHEREAS complaint hath been made to me, E. F. Esquire, one of her Majesty's justices of the peace in and for the county [or borough, &c.] of —, [or one of
---	---	---

(t) In Scotland without seals.

*Order to permit Execution of Works by Owners.* 57

the magistrates of the police courts of the metropolis, *or as the case may be, or in Scotland*, to me, *G. H.* sheriff, or one of her Majesty's justices of the peace, *as the case may be*, of the county of —], by *A. B.* owner within the meaning of the "Nuisances Removal and Diseases Prevention Act, 1848," of certain premises, to wit, a dwelling house [*or building, or as the case may be*], situate [*insert such a description of the premises as may be sufficient to identify them*], in the parish of —, in the said county [*or borough, &c.*] that *C. D.* the occupier of the said premises, doth prevent the said *A. B.* from obeying and carrying into effect the provisions of the said Act, in this, to wit, that he the said *C. D.* doth prevent the said *A. B.* from [*here describe the works generally according to the circumstances; for instance, thus: cleansing, or whitewashing, or purifying, the said dwelling house, [or building,] or cleansing a foul and offensive drain [ditch, gutter, privy, cesspool, or ashpit] which exists upon the said premises, or as the case may require*]: And whereas the said *C. D.* having been summoned to answer the said complaint, and not having shown sufficient cause against the same, and it appearing (*u*) to me that the said works are necessary for the purpose of enabling the said *A. B.* to obey and carry into effect the provisions of the said Act, I do hereby order that the said *C. D.* do permit the said *A. B.* to execute the same in the manner required by the said Act.

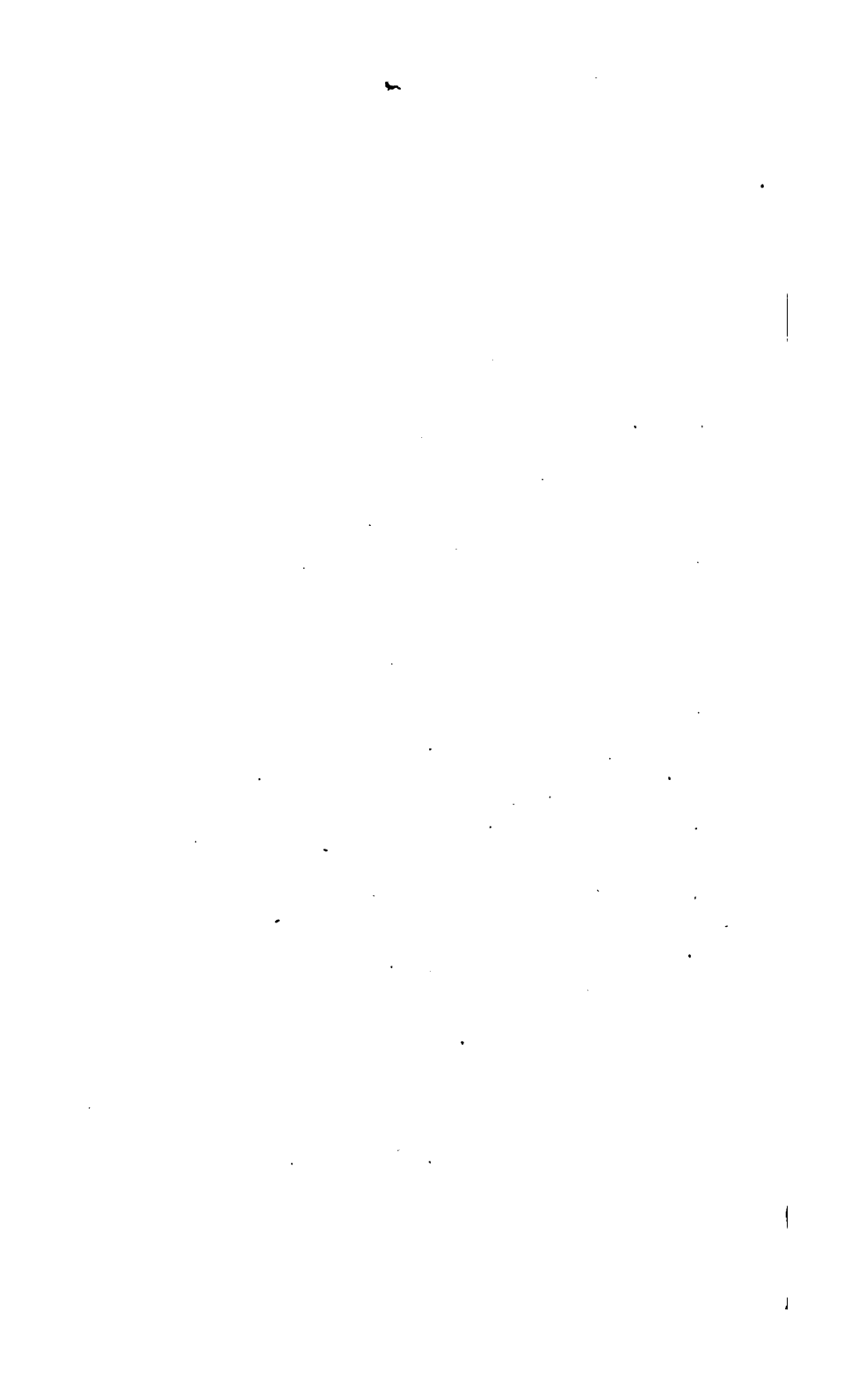
Given under my hand and seal [*or, in Scotland, under my hand*] this — day of —, in the year of our Lord one thousand eight hundred and —.

*E. F.* [L.S.] (*v*).

---

(*u*) See note (*r*), to section 16, p. 42.

(*v*) In Scotland without seal.



## APPENDIX.

---

### PROCLAMATION BY THE PRIVY COUNCIL PUTTING IN FORCE THE CONTAGIOUS DISEASES AND NUISANCES REMOVAL ACT.

*At the Council Chamber, Whitehall,  
the 28th day of September, 1848.*

By the lords of her Majesty's most honourable privy council.

Whereas by an Act passed in the last session of parliament, intituled "An Act to review and amend an Act of the tenth year of her present Majesty, for the more speedy removal of certain nuisances, and the prevention of contagious and epidemic diseases," after reciting that it is expedient that when any part of the United Kingdom shall appear to be threatened with or affected by any formidable epidemic, endemic, or contagious disease, measures of precaution should be taken with promptitude, according to the exigency of the case, it is enacted, "that in Great Britain the lords and others of her Majesty's most honourable privy council, or any three or more of them (the lord president of the council, or one of her Majesty's principal secretaries of state being one,) may, by order or orders to be by them from time to time made, direct that the provisions in the said Act contained for the prevention of epidemic, endemic, and contagious diseases, be put in force in Great Britain, or in such parts thereof, or in such places therein respectively, as in such order or orders respectively may be expressed, and may, from time to time, as to all or any of the parts or places to which any such order or orders may extend, and in like manner revoke or renew any such order; and, subject to revocation and renewal as aforesaid, every such order shall be in force for six calendar months, or for such shorter period as in such order shall be expressed.

And whereas the United Kingdom appears to be threatened with a formidable epidemic disease, in consequence of the progressive advance of such a disease to the western portion of the continent of Europe, and a case has arisen for putting in force the provisions of the said Act; now, therefore, it is hereby ordered, by the lords and others of her Majesty's most honourable privy council (of whom the right honourable Viscount Palmerston, one of her Majesty's principal secretaries of state, is one,) in pursuance and exercise of the powers so vested in them as aforesaid, that the provisions contained in the said hereinbefore recited Act for the prevention of epidemic, endemic, and contagious diseases, be put in force throughout the whole of Great Britain immediately from and after the date of this order.

And it is further ordered, that this order shall continue in force for six calendar months from and after the date thereof.

C. GREVILLE.

DOCUMENTS ISSUED BY THE GENERAL BOARD  
OF HEALTH.

FIRST NOTIFICATION IN RESPECT TO THE NUISANCES  
REMOVAL AND CONTAGIOUS DISEASES PREVENTION  
ACT.

*General Board of Health, Gwydyr House,  
October 5, 1848.*

The general board of health having considered the official accounts which have been received of the course of Asiatic cholera, since the presentation of the reports of the metropolitan sanitary commissioners, and having consulted medical practitioners of eminence and of special knowledge of the subject, and having compared the tenor of those recent accounts with the observations made respecting the former mode of the propagation of Asiatic cholera in Europe, have now to represent,—

That the experience obtained of this disease, during its former invasions of this country in the years one thousand eight hundred and thirty-one and one thousand eight hundred and thirty-two, and the still larger experience acquired during its recent progress through Persia, Egypt, Syria, Russia, Poland, and Prussia, appears to afford ground for the correction of some views formerly entertained concerning it which have an important bearing on the measures, both of prevention and alleviation, that are expedient to be adopted.

The extent, uniform tenor, and undoubted authority of the evidence obtained from observers of all classes, in different countries and climates, and amidst all varieties of the physical, political, and social conditions of the people, appear to discredit the once prevalent opinion that cholera is, in itself, contagious; an opinion which, if fallacious, must be mischievous, since it diverts attention from the true source of danger, and the real means of protection, and fixes it on those which are imaginary; creates panic; leads to the neglect and abandonment of the sick; occasions great expense for what is worse than useless; and withdraws attention from that brief but important interval between the commencement and the development of the disease, during which remedial measures are most effective in its cure.

Although it is so far true that certain conditions may favour its spread from person to person, as when great numbers of the sick are crowded together in close, unventilated apartments, yet this is not to be considered as affecting the general principle of its non-contagious nature; nor are such conditions likely to occur in this country. Moreover, the preventive measures founded on the theory of contagion, namely, internal quarantine regulations, sanitary cordons, and the isolation of the sick, on which formerly the strongest reliance was placed, have been recently abandoned in all countries where cholera has appeared, from the general experience of their inefficiency.

The evidence also proves that cholera almost always affords, by premonitory symptoms, warning of its approach, in time for the employment of means capable of arresting its progress. If indeed in certain situations, as where there is an unusual concentration of

the poison, or in certain individuals who are peculiarly predisposed to the disease, the attack may sometimes appear to be instantaneous, still the general conclusions, that cholera is not in itself contagious, and that it commonly gives distinct warning of its approach, are two great facts well calculated to divest this disease of its chief terrors, and to show the paramount importance of the means of prevention, so much more certain than those of cure.

The proved identity of causes which promote the origin and spread of epidemic diseases in general, with those that favour the introduction and spread of Asiatic cholera, appear to indicate the true measures of precaution and prevention against a pestilence, which, after an absence of sixteen years, and at a season when other formidable epidemic diseases are unusually prevalent and deadly, menaces a third visitation; and the general board of health would appeal to all classes for their cordial co-operation in carrying into effect the measures which careful consideration has led them to recommend, in the full conviction that the powers given by the legislature for this purpose, though they may not be fully adequate, and though the time to use them may be short, cannot fail, with such co-operation, to be attended with highly beneficial results.

With a view of carrying into operation all available means of precaution against the impending danger, the general board of health recommends that the guardians of the poor in England and Wales, and the parochial boards for the management of the poor in Scotland, and their officers, should hold themselves in readiness to execute such directions as the general board of health may see fit to issue from time to time, under the provisions of the Act of the 11 & 12 Vict. c. 123, intituled "An Act to renew and amend an Act of the tenth year of her present Majesty, for the more speedy removal of certain nuisances, and the prevention of contagious and epidemic diseases."

The guardians of the poor and the parochial boards will probably be required, either by themselves individually or by persons employed or to be specially appointed by them for the purpose, to make examinations from house to house of their several districts, and report to their boards upon the state of each locality as far as regards the prevalent sickness, and the removable causes upon which it may appear to depend. These visitations from house to house will be especially required in the dangerous districts; and it is to be kept in view that every district or place is dangerous in which typhus and other epidemic diseases have regularly recurred.

The boards of guardians and parochial boards will have to put in force, whenever it may appear to be required, those provisions of the Act that relate to nuisances.

Great benefit having been derived from the cleansings that were resorted to on the former visitation of cholera, and experience having shown that preventive measures against cholera are also preventive against typhus and other epidemic and endemic diseases, the boards of guardians should carry into immediate effect all practical measures of external and internal cleansing of dwellings in the ill-conditioned districts.

The chief predisposing causes of every epidemic, and especially of cholera, are damp, moisture, filth, animal and vegetable matters in a state of decomposition, and, in general, whatever produces atmospheric impurity; all of which have the effect of lowering the health and vigour of the system, and of increasing the sus-



ceptibility to disease, particularly among the young, the aged, and the feeble.

The attacks of cholera are uniformly found to be most frequent and virulent in low-lying districts, on the banks of rivers, in the neighbourhood of sewer mouths, and wherever there are large collections of refuse, particularly amidst human dwellings. In a recent proclamation, issued for the protection of the population of the Russian empire, the important influence of these and similar causes has been recognized, and the practical recommendations founded thereon are "to keep the person and the dwelling-place clean, to allow of no sinks close to the house, to admit of no poultry or animals within the house, to keep every apartment as airy as possible by ventilation, and to prevent crowding wherever there are sick."

Householders of all classes should be warned, that their first means of safety lies in the removal of dung heaps and solid and liquid filth of every description from beneath or about their houses and premises. Though persons long familiarized to the presence of such refuse may not perceive its offensiveness, nor believe in its noxious properties, yet all who desire to secure themselves from danger should labour for the entire removal of filth and the thorough cleansing of their premises, which also the law will require of each person for the protection of his neighbours, as well as for his own safety.

Next to the perfect cleansing of the premises, dryness ought to be carefully promoted, which will of course require the keeping up of sufficient fires, particularly in the damp and unhealthy districts, where this means should be resorted to for the sake of ventilation as well as of warmth and dryness.

From information recently obtained from Russia, it appears that in some barracks, and other places in which large numbers of people are congregated, where these conditions have been attended to in a manner that may be equally practised in private houses, there has been a comparative immunity from the prevailing epidemic, exactly as in this country, where in public institutions, though as yet by no means perfect in the means of ventilation, there has been an almost entire exemption from epidemics which have ravaged private houses in the very same districts.

But while a certain amount of cleansing can be effected by every householder, each in his own premises, the means of thoroughly purifying the densely populated districts are beyond the power of private individuals.

Accordingly, by the recent Act 11 & 12 Vict. s. 123, sect. 1, in cases of inability, insufficiency, or neglect, the law has charged the cleansing operations upon certain public bodies, namely, "the town councils, or any trustees or commissioners for the drainage, paving, lighting, or cleansing, or managing or directing the police, or any other body of a like nature, or any commissioners of sewers, or guardians of the poor."

By this Act it is provided, that upon notice, in writing, signed by two or more inhabitant householders, that any dwelling-house or building is in a filthy and unwholesome condition, or that there are upon such premises any foul and offensive cesspool, drain, gutter, or ditch, or any accumulations of filth, or that swine are so kept as to be a nuisance or injurious to health, the authorities shall examine or cause the premises to be examined; and if upon examination, or upon a medical certificate of two legally qualified prac-

tioners, it appears that the nuisance exists, the public authority shall make complaint before two justices, who are required to make order for the removal of such nuisance. The amended provisions contained in this Act should be early considered, promulgated, and enforced, especially those for the proper cleansing of open and foul ditches, near habitations, by the labourers under the direction of surveyors or trustees of highways.

The union medical officers, whose duties take them to the relief of the destitute sick, are necessarily familiar with the places in which disease is most prevalent and fatal, and these are invariably found to be the dirtiest localities, where, consequently, the cleansing operations are most required; and the Nuisances Removal Act imposes upon the guardians the duty of directing and enforcing the proper performance of these operations.

In several districts the police, in going their usual rounds, have been employed with great advantage in reporting daily as to the houses, courts, alleys, passages, and streets within their district most in need of cleansing: as to the carelessness or neglect of the scavengers in the performance of their duties, and as to the existence of nuisances of various kinds. The boards of guardians, or special committees formed out of their body, are therefore recommended to associate themselves with special committees of town councils, who, by their watch committees, have the control of the police, and to engage for these purposes the valuable services of this force.

Highly important services have been rendered by the parochial clergy and other ministers of religion, in association with lay committees, for the purpose of maintaining a system of house to house visitation in the more depressed districts; and wherever it is practicable, the boards of guardians are recommended to associate with a special committee of their own number (who for the time may be exempted from ordinary duties) the clergy of the respective parishes and the ministers of other religious denominations, and to call upon the medical and other union officers to give their aid to this committee.

It is conceived that such parochial special committee would, among other useful purposes, be peculiarly serviceable in communicating information to the poorer classes as to the particular means of prevention within their reach, and as to the urgent necessity, at this season, of personal and household cleanliness, of ventilation, and of a careful and temperate mode of living.

By the Contagious Diseases Prevention Act, the general board of health is required to frame rules and regulations to assist and direct the guardians of the poor and other local authorities in the performance of the special duties imposed upon them whenever the country is visited or threatened by any formidable epidemic or contagious disease; and accordingly the board has lost no time in putting itself in communication with the poor law commissioners, with the view of taking all practical precautions against the scourge which is so steadily approaching our shores; and the board is now engaged in preparing regulations for the more public and general measures of prevention and alleviation, which will be issued and put in execution in the several districts, as soon as their particular conditions shall have been ascertained.

In the mean time, if notwithstanding every precautionary measure which can be taken, this disease should unhappily break out in any district, then it will be essential to the safety of the inhabi-

tants that they should be fully impressed with the importance of paying instant attention to the premonitory symptom that announces the commencement of the attack.

This premonitory symptom is looseness of the bowels, which there is reason to regard as universally preceding the setting in of the more dangerous stage of the disease. Sometimes, indeed, under the circumstances already described, namely, where the poison exists in unusual intensity, or the constitutional predisposition is unusually great, the first stage may appear to be suppressed, as occasionally happens in violent attacks of other diseases; but in cholera this event is so rare, as to be practically of no account; and in all countries, and under all varieties of conditions in which this disease has been epidemic, the experience as to this point uniformly agrees with what is observed at the present moment at *Hamburgh*.

"In most cases," writes the *British consul*, respecting the epidemic which has just broken out in that city, "the disease has first manifested itself in a slight relaxation of the bowels, which if promptly attended to, the patient generally recovers; but if the symptoms are neglected, spasmodic attacks ensue, and death follows mostly in from four to six hours."

This looseness of the bowels may be accompanied with some degree of pain, which however is generally slight; but in many cases pain is wholly absent; and for some hours and even days this bowel complaint may be so slight as to appear trifling; so that without a previous knowledge of the importance of the warning, it might easily escape notice altogether.

It must be repeated, however, that whenever Asiatic cholera is epidemic, the slightest degree of looseness of the bowels ought to be regarded and treated as the commencement of the disease, which at this stage is capable of being arrested by simple means, but if neglected only for a few hours, may suddenly assume a fatal form.

It will be indispensable, therefore, on the first outbreak of cholera, that the local authorities should immediately make arrangements for daily house to house inspections of the poorer localities in their respective districts; this being the only practical means by which, in the most dangerous situations and among the most susceptible subjects, the existence of the premonitory symptom can be ascertained in time to administer the proper remedies, so as to arrest the progress of the disorder.

Heads of families, masters of schools and workhouses, proprietors of large establishments and works, such as factories, mines, warehouses, wharfs, and docks, should either be their own inspectors, or employ some trustworthy agent to examine daily every person in their employment, and to give at once the proper remedy, if the premonitory symptom should be present.

Each member of the visiting committee should be provided with proper remedies, prepared in appropriate doses for administration on the spot, in every instance in which the premonitory symptom is found to exist; and should report every person so treated as requiring the instant attention of the medical officer.

Dispensaries for bowel complaints should be established at convenient stations, at which the neighbouring inhabitants may apply for the proper remedies and advice the moment they are attacked by the premonitory symptom.

Experience having shown that the establishment of cholera hos-

pitals was not successful, the best provision practicable must be made for affording assistance to the individuals who may need it at their own houses; and one of the best modes of effecting this object will probably be the selection of proper persons who may be instructed as nurses in the special services required on this occasion, and paid for devoting their whole time to attendance on the sick at their own habitations, under the direction of the medical officers.

It will also be necessary to engage a sufficient number of medical officers at suitable remuneration, some to devote their whole time by day and night to the service of the dispensaries, and others to attend the sick at their own dwellings.

As, however, cases may occur of extreme destitution in the neighbourhoods and houses wholly unfit for the curative treatment of the sick, provision should be made for the reception of such cases, either in the common hospitals, in the union houses, or in separate apartments specially prepared for the purpose, and properly warmed and ventilated.

Medical authorities are agreed that the remedies proper for the premouitory symptom are the same as those found efficacious in common diarrhoea; that the most simple remedies will suffice, if given on the first manifestation of this symptom; and that the following, which are within the reach and management of every one, may be regarded as among the most useful, namely, twenty grains of opiate confection, mixed with two table spoonsful of peppermint water, or with a little weak brandy and water, and repeated every three or four hours, or oftener, if the attack is severe, until the looseness of the bowels is stopped; or an ounce of the compound chalk mixture, with ten or fifteen grains of the aromatic confection, and from five to ten drops of laudanum, repeated in the same manner. From half a drachm to a drachm of tincture of catechu may be added to this list, if the attack is severe.

Half these quantities should be given to young persons under fifteen, and still smaller doses to infants.

It is recommended to repeat these remedies night and morning, for some days after the looseness of the bowels has been stopped. But, in all cases, it is desirable, whenever practicable, that even in this earliest stage of the disorder recourse should be had to medical advice on the spot.

Next in importance to the immediate employment of such remedies, is attention to proper diet and clothing. Whenever Asiatic cholera is epidemic, there is invariably found among great numbers of the inhabitants an extraordinary tendency to irritation of the bowels; and this fact suggests, that every article of food which is known to favour a relaxed state of the bowels should, as far as possible, be avoided—such as every variety of green vegetables, whether cooked or not, as cucumber or salad. It will be important also to abstain from fruit of all kinds, though ripe and even cooked, and whether dried or preserved. The most wholesome articles of vegetable diet are—well-baked, but not new bread, rice, oatmeal, and good potatoes. Pickles should be avoided. Articles of food and drink which, in ordinary seasons, are generally wholesome, and agree well with the individual constitution, may, under this unusual condition, prove highly dangerous. The diet should be solid rather than fluid; and those who have the means of

choosing, should live principally on animal food, as affording the most concentrated and invigorating diet; avoiding salted and smoked meats, pork, salted and shell fish, cider, perry, ginger-beer, lemonade, acid liquors of all descriptions, and ardent spirits. Great moderation, both in food and drink, is absolutely essential to safety, during the whole duration of the epidemic period. One single act of indiscretion has, in many instances, been followed by a speedy and fatal attack. The intervals between the meals should not be long; cholera being uniformly found to prevail with extraordinary intensity among the classes that observe the protracted fasts common in the eastern and some European countries.

---

With reference to these recommendations the College of Physicians have published the following recommendations on the subject of cholera.—Ed.

The Royal College of Physicians of London, feeling that on the re-appearance of epidemic cholera in England the public may naturally look to them for advice and guidance, have deemed it proper to appoint a cholera committee, composed of physicians who hold important offices in the metropolitan hospitals, or who had extensive experience of the disease at its last visitation, to consider what measures it is expedient to adopt with a view of preventing the spread of the disease, and of otherwise mitigating its evils.

The committee thus formed have, in compliance with the wish of the college, drawn up the following remarks and instructions, for the information of the public:—

1. Cholera appears to have been very rarely communicated by personal intercourse; and all attempts to stay its progress by cordons or quarantine have failed. From these circumstances the committee, without expressing any positive opinion with respect to its contagious or non-contagious nature, agree in drawing this practical conclusion, that in a district where cholera prevails no appreciable increase of danger is incurred by ministering to persons affected with it, and no safety afforded to the community by the isolation of the sick.

2. The disease has almost invariably been most destructive in the dampest and filthiest parts of the town it has visited. The committee would, therefore, urge on the public authorities the propriety of taking immediate steps to improve the state of sewers and drains, to cover those which are open, and to remove all collections of decaying vegetable and animal matter from the vicinity of dwellings. They would also impress on individuals, especially of the poorer classes, the great importance of well-airing their rooms, and of cleanliness in both their dwellings and persons.

3. A state of debility or exhaustion, however produced, increases the liability to cholera. The committee, therefore, recommend all persons during its prevalence to live in the manner they have hitherto found most conducive to their health; avoiding intemperance of all kinds and especially the intemperate use of ardent spirits and other intoxicating liquors. A sufficiency of nourishing food; warm clothing, and speedy change of damp garments; regular and sufficient sleep; and avoidance of excessive fatigue, of long fasting, and of exposure to wet and cold, more particularly

The practical importance of these cautions might be illustrated by striking examples. Dr. Adair Crawford states, that in Russia the most intense of all the attacks were those that followed a

---

at night, are important means of promoting or maintaining good health, and thereby afford protection against the cholera.

The committee do not recommend that the public should abstain from the moderate use of well-cooked green vegetables, and of ripe or preserved fruits. A certain proportion of these articles of diet is, with most persons, necessary for the maintenance of health; and there is reason to fear that, if they be generally abstained from, now that the potatoe crop has in great measure failed, many persons, especially amongst the poor in large towns, will fall into that ill-condition which in its highest degree is known as scurvy, and that they will in consequence be the readier victims of cholera. The committee likewise think it not advisable to prohibit the use of pork or bacon, or of salted, dried, or smoked meat or fish, which have not been proved to exert any direct influence in causing this disease. Nothing promotes the spread of epidemic diseases so much as want of nourishment, and the poor will necessarily suffer this want, if they are led to abstain from those articles of food on which, from their comparative cheapness, they mainly depend for subsistence.

On the whole, the committee advise persons living in districts in which cholera prevails to adhere to that plan of diet which they have generally found to agree with them, avoiding merely such articles of food as experience may have taught them to be likely to disorder the stomach and bowels.

4. The committee are unable to recommend an uniform plan of treatment to be adopted by the public in all cases of looseness of the bowels, supposed to be premonitory of cholera. It is, doubtless, very important that such ailments should be promptly attended to; but since they may arise from various causes, of which a medical man can alone judge, the committee deem it safer that persons affected with them should apply at once for medical assistance, than that they should indiscriminately use, of their own accord, or on the suggestion of unprofessional persons, powerful medicines in large and frequently repeated doses. Should the looseness of the bowels be attended with feelings of great exhaustion and chilliness, the person should, of course, be placed in a warm bed, and the usual means of restoring warmth to the body be assiduously employed, until professional advice can be obtained.

5. In order that the poor may have the means of obtaining such assistance promptly, the committee recommend that the proper authorities should at once establish dispensaries in those parts of the town which are remote from the existing medical institutions; and they should also take steps to provide distinct cholera hospitals, which it will require some time to organize, and which they believe will be found to be absolutely necessary, should the epidemic prevail in this metropolis with a severity at all approaching that which it manifested on its first appearance in England. The committee wish it to be clearly understood that they do not recommend the establishment of such cholera hospitals on the ground of effecting the separation of the sick from the healthy,

hearty meal, taken immediately after a protracted fast. In our own country, during its former visitation, the most frequent and deadly attacks were observed to be those that took place in the middle of the night, a few hours after a heavy supper. The three fatal cases that have just occurred to sailors who had been at Ham-burgh, and who were brought sick to Hull, turned out on inquiry to have followed very shortly after the men had eaten a large quantity of plums, and had drunk freely of sour beer; and the two still more recent fatal cases on board the ship *Volant* of Sunderland, both occurred in drunkards, who persisted in the practice of intoxication, notwithstanding the earnest warnings that were given them against the dangers of intemperance.

On account of the intimate connection between the external skin and the internal lining membrane of the bowels, warm clothing is of great importance. The wearing of flannel next the skin is therefore advisable. Recent experience on the continent seems to show, that it was useful to wear in the day-time a flannel bandage round the body, and this may become necessary in our own country during the damp and cold weather of the approaching season.

Particular attention should be paid to keeping the feet warm and dry; changing the clothes immediately after exposure to wet; and maintaining the sitting and bed-rooms well-aired, dry, and warm.

It may be necessary to add a caution against the use of cold purgative medicines, such as salts, particularly Glauber's salts, Epsom salts, and seidlitz powders; which taken, *in any quantity*, in such a season are dangerous. Drastic purgatives of all kinds

and of thus preventing the spread of the disease; but solely in order that, should the epidemic prove severe, proper attendance and prompt treatment may be insured for the sufferers from cholera among the poorest and most destitute class. The existing hospitals, even if the authorities should consent to the admission of persons ill of cholera, could not furnish the requisite accommodation, unless they were shut against persons labouring under other severe diseases; a measure which, at the approach of winter especially, would add much to the distress of the poor.

6. In conclusion, the committee would urge on the rich, who have comparatively little to fear for themselves, the great duty of generously and actively ministering to the relief of the poor while the epidemic prevails, bearing in mind that fuel, warm clothing, and sufficient nourishment are powerful safeguards against the disease.

They deem it most desirable that the parish authorities should at once improve the diet and increase the comforts of the poor under their charge, and that the wealthy should form societies for the supply of food, clothing, and fuel, to those who, though not paupers, still need charitable assistance in the present emergency.

Such measures, which it is the duty of those possessed of power and wealth to adopt, would, the committee believe, if liberally carried out, deprive the cholera of half its victims.

JOHN AYRTON PARIS, President.

FRANCIS HAWKINS, Registrar.

College of Physicians, Oct. 28.

should be avoided, such as senna, colocynth, and aloes, except under special medical direction.

If, notwithstanding these precautionary measures, a person is seized suddenly with cold, giddiness, nausea, vomiting, and cramps, under circumstances in which instant medical assistance cannot be procured, the concurrent testimony of the most experienced medical authority shows that the proper course is to get as soon as possible into a warm bed; to apply warmth by means of heated flannel, or bottles filled with hot water, or bags of heated camomile flowers, sand, bran, or salt, to the feet and along the spine; to have the extremities diligently rubbed; to apply a large poultice of mustard and vinegar over the region of the stomach, keeping it on fifteen or twenty minutes; and to take every half-hour a tea spoonful of sal volatile in a little hot water, or a dessert spoonful of brandy in a little hot water, or a wine glass of hot wine whey, made by pouring a wine glass of sherry into a tumbler of hot milk—in a word, to do every thing practicable to procure a warm, general perspiration until the arrival of the medical attendant, whose immediate care, under such circumstances, is indispensable.

It has not been deemed necessary or proper to give instructions for the treatment of the advanced stage, from the confident expectation that the proposed arrangement will supply medical attendance to all cases that may reach that condition, by which means the specific symptoms of each individual case will receive their appropriate treatment.

Though the season of danger may demand some extraordinary exertion and sacrifice on the part of all classes, yet this period will probably not be protracted, since on the former visitation of cholera, it seldom remained in any place which it attacked longer than a few months, and rarely more than a few weeks; while it may be reasonably expected that the improvements effected with a view to check its progress will be equally efficacious in shortening its duration; and that these improvements will not be temporary like the occasion that called for them, but will be attended with lasting benefit.

In conclusion, the general board of health would again urge the consideration, that whatever is preventive of cholera is equally preventive of typhus and of every other epidemic and constantly recurring disease; and would earnestly call the attention of all classes to the striking and consoling fact, that, formidable as this malady is in its intense form and developed stage, there is no disease against which it is in our power to take such effectual precaution, both as collective communities and private individuals, by vigilant attention to it in its first or premonitory stage, and by the removal of those agencies which are known to promote the spread of all epidemic diseases. Though, therefore, the issues of events are not in our hands, there is ground for hope and even confidence in the sustained and resolute employment of the means of protection which experience and science have now placed within our reach.

By order of the General Board of Health,  
HENRY AUSTIN, Secretary.



EXTRACTS FROM THE SECOND NOTIFICATION OF THE  
GENERAL BOARD OF HEALTH IN RESPECT TO INSTRU-  
CTIONS ON THE ORDERS AND REGULATIONS ISSUED UNDER  
THE AUTHORITY OF THE NUISANCES REMOVAL AND  
DISEASES PREVENTION ACT.

*General Board of Health, Gwydyr House,  
October 31, 1848.*

The special object of those provisions of the Act 11 & 12 Vict. c. 123, which are brought into operation by the order in council, appears to the general board of health to be that measures of precaution may be taken "with promptitude, according to the exigency of the case."

It was clearly within the view of parliament that other and more summary measures for cleansing and the removal of nuisances than those contained in the first and second sections of the Act might be required, when the provisions for the prevention of epidemic and contagious diseases should be called into operation; and it has appeared to the board to be requisite that the duties which in ordinary times devolve upon the owners and occupiers of dwellings, where an order of justices has been obtained, should, under the threatened visitation of pestilence, be performed by the owners or occupiers, without the previous complaint and adjudication; and when the poverty of the occupiers or any other cause may delay the cleansing or the removal of the nuisance, the guardians should at once perform the necessary work.

Operations of cleansing, both external and internal, are the primary means of prevention; and the places where the first measures of cleansing should be carried into effect are indicated in the registers of deaths, in the case books of the medical officers, and in the lists of the relieving officers, which show the streets, courts, alleys, and the very houses in which sickness from epidemic disease has been prevalent, in many instances pauperizing the inhabitants, and in all instances increasing the necessity for parochial relief.

From these sources, therefore, as full a list as may be practicable should be made out of the places in which the measures of cleansing are the most urgently needed; and those lists should be completed by the aid of the reports of the physicians and surgeons having charge of dispensaries and hospitals.

As these lists are completed, copies of them should be forwarded as directories to the parochial clergy and other members of the district committees, who will aid the local authorities in their examination from house to house of these epidemic localities. Not only should the particular houses in which epidemic disease has been prevalent be examined, but also the adjacent houses, which will generally be found to be in the like unhealthy condition.

The police force, under the direction of the watch committees of the town councils, have been usefully employed in seeing that the cleansing operations are regularly and completely performed, in conveying information, and in aiding local investigations; but the general direction of the measures of cleansing should be charged upon the medical officer, whose duty it will be to see that the owners and occupiers promptly carry those measures into effect. If, however, on account of sickness or poverty, or any other cause, the medical officer see reason to apprehend neglect or delay in the

execution of those measures, then he must immediately report such cases to the board of guardians, or to persons authorized by them to act in this behalf, who should forthwith direct able-bodied paupers to perform the work.

Where circumstances will not admit of the employment of able-bodied paupers, or where the assistance of paupers would be less efficient than the services of persons accustomed to the work, a sufficient number of men should be engaged for the special purpose of lime-washing and purifying the houses and apartments that may stand in need of such cleansing. Ample experience has shown the efficiency and economy with which operations of this kind may be carried on. By the aid of two men, and with no other implements than a common pail and a painter's whitewashing brush, Mr. Ramsay, inspector of the Edinburgh cleansing committee, has shown that a second or third-rate tenement, containing two or three apartments, may be effectually lime-washed at an expense not exceeding 9d. to 1s. per tenement.

\* \* \* \* \*

Fumigation with chlorine gas, under the eye of a medical man, this being a process which cannot be safely conducted except under medical inspection, is performed at an expense of less than 2d. for each room.

All the streets, courts, and alleys, the atmosphere of which is shown to be in a state of pollution by the presence of epidemic disease, should be thoroughly scoured out daily, and the dung-heaps of mews and stables also should be removed daily.

Where water is not laid on at high pressure, but can be otherwise obtained, the most efficient means of cleansing will be by the use of a small fire or garden engine; but wherever water is laid on at high pressure, advantage should be taken of the hose and jet, which removes the dirt from the carriage-way much more effectually than the street-sweeping machine; gives to the pavement the appearance of having been as thoroughly cleansed as the stone steps in front of private houses, and, when properly applied in close and dirty courts and alleys, rapidly carries off the filth, destroys offensive smells, and, by suddenly changing the temperature and so causing a current of air, produces a sense of coolness and refreshment.

Cesspools may be cleansed in one-third of the usual time, and at one-third of the usual cost, by means of a two-handled pump and hose, wherever there is a sewer within reach into which the contents may be discharged.

With reference to the larger works of cleansing, such as the cleaning out of long lines of ditches, or the removal of large masses of decomposing refuse, much mischief has sometimes been occasioned when the operation has been so ignorantly and unskilfully conducted as to increase the extent of the evaporating surface, as when the contents of foul ditches have been spread out on the banks and allowed to remain there; and when cesspools have been emptied into drains or sewers having no proper fall, or no run for the discharge of the contents from beneath inhabited houses. Works of this kind should be conducted under the superintendence of a person who possesses some knowledge of the nature of the gases evolved; the atmospheric and other conditions that promote their copious evolution; their probable effects on susceptible persons, and the mode of diminishing or averting them, either by the

proper use of deodorizing fluids or by other means. The medical officer who may be expected to be the best informed in these respects should therefore be required to take the general superintendence of such operations.

The removal or distribution of large masses of decomposing refuse cannot be expected to be effected without some danger; on the other hand, there is a certainty of evil, if such matter is allowed to remain permanently near human habitations, while the risk from the act of removal, if it be tolerably well conducted, is but slight, and at all events can only be temporary.

In following the track of fever, the inquirer will soon be led to the low lodging-houses, in which the conditions most favourable to the generation and spread of every form of epidemic disease will be found to be most intense and constant. The overcrowding and the neglect of ventilation produce, in these places, an insufferable closeness, which cannot be endured by a person unaccustomed to the pestilential atmosphere.

\* \* \* \* \*

Under the authority conferred upon the guardians, their medical officer may enter these lodging-houses and require them to be duly ventilated and cleansed, and where he finds a dangerous overcrowding, he may order the parties to be removed.

Having thus denoted, more fully than they were enabled to do in their first notification, some of the most important measures of prevention, the general board of health would now advert to the measures of alleviation that may be found available, should the disease, which has broken out nearly at the same time in many widely distant parts of the country, unhappily prevail as an epidemic.

The importance of the precaution already given in the notification as to the urgent necessity of the earliest attention to the premonitory symptom, is confirmed by every day's experience. Opportunities have been recently afforded for carefully observing the circumstances connected with the first outbreak of this disease, both in this country and abroad, and the clear result of such observation is, that some of its earliest victims are seized without warning, but that this is the case with comparatively few. In the great majority of instances, even in the early days of its invasion, and almost universally after the violence of its first blow has been spent, distinct warning of its approach is given. That warning, as has been explained, is a relaxed state of the bowels, and whoever has that complaint, in however slight a degree, should, during the present season of danger, place himself immediately under medical care. The medicines recommended in the first notification were intended to be placed in the custody of the heads of families, the masters of schools and workhouses, the owners or agents of large establishments, clergymen, and other intelligent persons, for administration only at times and under circumstances, when medical assistance could not be promptly procured. With such a disease as cholera impending, a due regard to his own safety and to the safety of those who are naturally dependent on his care, should induce every one to avail himself without delay of the best assistance within his reach. And for those who cannot afford to pay for medical attendance, or who would not be likely to incur the expense of it, for a complaint, apparently so trifling, dispensaries must be opened in convenient situations, with proper medical

attendance, if practicable, day and night, where medical advice and medicine may be procured.

It is of the utmost importance that the local authorities and others should be satisfied as to the measures which it will be expedient to adopt promptly and thoroughly, when, notwithstanding all the means of precaution and prevention that may have been taken, this disease actually breaks out in any place.

Hitherto the proportion of attacks to the population has nowhere in this country been so large as to render it impracticable, or even difficult to make provision for the temporary removal of such indigent persons as have appeared to be in imminent danger; and it is a subject deserving consideration, whether, instead of the indiscriminate removal of the sick, it would not be more effectual, as well as less expensive, while provision is made for the proper treatment of the sick, to take some care of those who in all probability will be the next victims of the disease, though the blow may not yet have actually fallen on them.

But while the general board of health have thought it needful to make provision for the greater security of the poor and destitute, they cannot too earnestly impress upon those in better circumstances, and who can consult their own safety, the importance on the first outbreak of this disease, of immediate removal from a low, damp, dirty, and confined situation, to one that is high, dry, and open; and of the adoption at the same time of a careful regimen.

Though the general board of health have expressed their decided conviction that cholera is not contagious, in the common sense of that term, yet neither they nor those who coincide in their opinion consider that there is no danger in overcrowding, or that the disease is not "catching" in ill-ventilated and ill-conditioned places.

Many cases having occurred in which the long retention of the dead body in living or sleeping rooms has greatly promoted the spread of disease, the Act has called special attention to the need of regulations for the early removal and the proper interment of the corpse; and the general board of health have authorized the medical officer, after having ascertained the true cause of death, to give such directions as may appear to him to be required, for the due observance of the regulation relative to this highly important subject.

It appears to the general board of health to be absolutely necessary, in the present emergency, to concentrate responsibility on the medical officers, and to entrust them with discretionary powers, because the rapidity of the course of cholera will not allow them to wait for direction from the guardians at their weekly meetings; and seeing the many and arduous duties that devolve upon the medical officers, the general board of health cannot but express a hope that the remuneration of these officers will be more proportionate to the value of the services required of them than it was upon the former occasion.

The law having vested the general management of medical relief to the destitute in the boards of guardians, and having made them the authorized channels for the expenditure of the rates raised for the benefit of the poor, the instructions and regulations of the

board of health have been mainly directed to them. They are aware, however, of the important exertions which in many instances have been made by town councils and local commissioners for the improvement of the public health, and where any of the functions herein prescribed are either by law or practice exercised by such town councils and local boards of commissioners, they would by no means wish to take them out of their hands; these bodies will have the best means of considering how far they can act by their own powers, or concurrently with the boards of guardians, and it is only in the absence of any such powers, or in default of their effectual exercise, that the board of health would call upon the boards of guardians to take the duties on themselves.

Signed by order of the board,

HENRY AUSTIN, Secretary.

---

*To the guardians of the poor of the several unions and parishes named in the schedules hereunto annexed;—To the councils and other governing bodies of cities and boroughs, commissioners under local Acts, the surveyors of highways, their deputies and assistants, the trustees, county surveyors, and others, by law entrusted with the care and management of the streets, and public ways, and places within the said unions and parishes;—To the owners and occupiers of houses, dwellings, churches, buildings, and places of assembly within the said unions and parishes, and others having the care and ordering thereof;—And to all to whom it may concern.*

Whereas by the provisions of the Nuisances Removal and Diseases Prevention Act, 1848, for the prevention of epidemic, endemic, and contagious diseases, and by virtue of an order of the lords of her Majesty's most honourable privy council, bearing date the 28th day of September, 1848, directing that the said provisions of the said Act be put in force throughout the whole of Great Britain, we the general board of health are authorized to issue such directions and regulations as the said board shall think fit for the prevention (as far as possible) or mitigation of epidemic, endemic, or contagious diseases; and whereas by the said Act it is provided that the directions and regulations to be issued as aforesaid shall extend to all parts or places in which the said provisions of the said Act shall for the time being be in force, under the order of her Majesty's privy council, unless such directions or regulations shall be expressly confined to some of such parts or places, and then to such parts or places as in such directions and regulations shall be specified.

Now in exercise of the authority vested in us as aforesaid, we the general board of health do issue the directions and regulations hereinafter contained, to extend to all parts and places within the several unions and parishes named in the schedule hereunto annexed, and to all extra-parochial places adjoining to such unions and parishes, viz.

I. We direct that all councils and other governing bodies of cities and boroughs, commissioners under local Acts, surveyors, and district or assistant surveyors of highways, trustees, county surveyors, and others, by law intrusted with the care and management of the

streets, and public ways, and places, within the parts or places to which these directions and regulations extend, shall once at least in every twenty-four hours effectually cleanse all such of the streets, rows, lanes, mews, courts, alleys, and passages, and public ways and places, under their respective care and management, as by the medical officer of the guardians, or others authorized to superintend the execution of this direction and regulation, shall be certified in writing to be in a state dangerous to health, or to require frequent and effectual cleansing by way of precaution against disease; and shall remove all filth, ordure, and nuisances therefrom.

II. And where any such streets, rows, lanes, mews, courts, alleys, and any passages, public ways, or places, to which any houses or tenements adjoin, which have not been entrusted by law to the care or management of any council, commissioners, surveyors, trustees, or others, have been certified in writing, by such medical officer as aforesaid, to be in a state dangerous to health, or to require such frequent and effectual cleansing, we direct that every occupier of a house or tenement so adjoining, shall keep or cause to be kept sufficiently cleansed, at least once in every twenty-four hours, such part of the street, row, lane, mews, court, alley, or passage, way, or place, as adjoins the house or tenement occupied by him.

And we direct that all such works of cleansing and removal of filth, ordure, and nuisances as are required by these directions and regulations, shall be done in such manner by effectual washing or otherwise, and with the use of such fluids or substances for preventing the escape of noxious effluvia during the operation, as the medical officer of the guardians or others authorized to superintend the execution of these directions and regulations shall think necessary and shall direct.

III. We do hereby authorize and require the guardians of the said unions and parishes, by themselves or by their officers or persons employed under them in the administration of the laws for the relief of the poor, or by officers or persons specially appointed in this behalf, to superintend and see to the execution of the foregoing directions and regulations within their respective unions and parishes, and in any extra-parochial places adjoining thereto respectively.

IV. And further, where it shall appear that by want or neglect of the council of any city or borough, commissioners, surveyors, trustees, or others entrusted with the care and management as aforesaid, or by reason of poverty of the occupiers or otherwise, there may be any default or delay in the cleansing of or removing nuisances from any street, row, lane, mews, court, alley, passage, or public way, or place certified as aforesaid, within any of the said unions and parishes, or any extra-parochial place adjoining thereto, we authorize and require the guardians of such union or parish, to cause such street, row, lane, mews, court, alley, passage, way, or place to be effectually cleansed, and all nuisances to be removed therefrom, and to do all acts, matters, and things necessary for that purpose.

V. We also direct as follows:—That,

When and so often as any dwelling-house, in any part or place to which these directions and regulations extend, is in such a filthy and unwholesome condition as to be a nuisance to or injurious to the health of any person; or,

Where upon any premises, or any part or place as aforesaid, there is any foul and offensive drain, ditch, gutter, privy, cesspool, or ashpit, or any drain, ditch, gutter, privy, cesspool, or ashpit kept or constructed so as to be a nuisance to or injurious to the health of any person ; or,

Where upon any such premises swine, or any accumulation of dung, manure, offal, filth, refuse, or other matter or thing is kept, so as to be a nuisance to or injurious to the health of any person : or,

Where upon any such premises (being a building used wholly or in part as a dwelling-house) or being premises underneath any such building, any animal is kept so as to be a nuisance or injurious to the health of any person ;

In each of the above recited cases the owner or occupier, and persons having the care or ordering of such dwelling-house, or of the premises where the nuisance or matter injurious to health may be, shall cleanse, whitewash, or otherwise purify, as the case may require, such dwelling-house or building, or abate or remove the nuisance or matter injurious to health as aforesaid with all reasonable speed after the publication of these our directions and regulations, or after the nuisance or matter injurious to health shall have arisen.

VI. In case, by reason of poverty or otherwise, the occupier of any such dwelling-house or premises is unable to perform any works required by these directions or regulations, such occupier shall give notice of such his inability to the guardians of the union or parish comprising the place wherein the premises shall be situated.

VII. We authorize and require the guardians aforesaid, by themselves or by officers by them authorized in this behalf,—

To see to the execution of the directions hereinbefore contained for the cleansing and purifying of dwelling-houses, and for the abatement and removal of nuisances and matters injurious to health, in every case in which there shall not be a council or other governing body of a city or borough, or commissioners having jurisdiction for the removal of nuisances, or where such council, governing body, or commissioners shall not cause to be effectually executed such directions ; and, for that purpose,

To visit, from time to time, or cause to be visited, the several dwellings and places where there may be ground for believing that necessity will arise for executing such directions.

VIII. And in every case in which, from the poverty of occupiers or otherwise, there may be default or delay in the cleansing or purifying of any such dwelling-house, or in the abatement or removal of any such nuisance or matter injurious to health, and the medical officer, or other person duly authorized as aforesaid, shall certify that the same requires immediate attention.

We authorize and require such guardians to cause such dwelling-houses to be cleansed and purified, and such drain, ditch, water-course, or gutter to be frequently and effectually cleansed, and such nuisance or matter injurious to health to be abated and removed respectively, and to do all acts and provide all matters and things necessary for that purpose.

IX. And we do further authorize and require the guardians to direct their clerk to make out, from the register of deaths or from

the district medical relief books, and from any public books or other sources from which information may be obtained within the union or parish, a list of places where epidemic, endemic, and contagious diseases have of late been frequent.

X. And we authorize and require such guardians to cause the medical officers employed by them, or specially appointed for the purpose, to visit the places, of which a list shall be made out as aforesaid, and all such neighbouring and other places within such union or parish, as shall appear to such medical officers (from being under like circumstances with the places included in such list or otherwise,) to require visitation or examination.

XI. And each such medical officer shall, where it may be necessary, certify in writing to the board of guardians, and to the surveyors, trustees, occupiers, or others required to execute these directions and regulations, all such places as are in a state dangerous to health, or need frequent and effectual cleansing by way of preservation against disease, and such dwelling-houses as are in a filthy and unwholesome condition, and all such nuisances and matters injurious to health as ought to be abated, cleansed, and removed under these regulations.

XII. And each such medical officer shall forthwith, upon any case of cholera or of typhus, or other epidemic, endemic, and contagious diseases becoming known to him within the parish, union, or district under his visitation, report the same to the board of guardians.

XIII. And we do hereby authorize and direct the said guardians, where it may appear needful, to appoint such additional medical officers, and also to appoint such other officers as may be necessary to execute and superintend the execution of these regulations, and to publish and circulate by printed handbills, or other means, notices of the provisions of the said Act for the prevention of nuisances, and of our regulations and instructions, or of such part of any of them as it may appear desirable to make publicly known.

XIV. And we hereby direct that in these directions and regulations the words "guardians of the poor" shall mean the guardians, directors, wardens, governors, or other like officers having the management of the poor for any union, parish, or place, where the matter requiring the cognizance of any such officers arises; and the word "parish" shall include every place where the relief of the poor is administered by a board of guardians for such place.

Given under our hands, and under the seal of the general board of health, this third day of November, one thousand eight hundred and forty-eight.

CARLISLE.

EDWIN CHADWICK.

T. SOUTHWOOD SMITH.

(The schedules referred to contain the names of the unions and parishes to which the order is addressed, and are not thought necessary to be inserted here.)



**DIRECTIONS AND REGULATIONS ISSUED BY THE GENERAL  
BOARD OF HEALTH TO TOWNS IN WHICH THE CHOLERA  
HAS APPEARED.**

Whereas by an Act of the 11th & 12th Vict. c. 123, intituled "An Act to improve and amend an Act of the tenth year of her present Majesty, for the more speedy removal of certain nuisances, and the prevention of epidemic and contagious diseases," the general board of health is empowered to issue such directions and regulations for carrying into effect the provisions of the said Act as to them may seem fit; now we, the said general board of health, do hereby authorize and direct the parochial boards for the management of the poor in the following parishes in and near Edinburgh—namely, the city of Edinburgh, St. Cuthbert's, Canongate, North Leith, and South Leith—to execute, or see to the execution of, the directions and regulations following, viz. :—

1. We hereby authorize and require the said parochial boards to provide dispensaries in suitable stations with sufficient medical aid, such dispensaries to be accessible at all times, by night and by day, to persons requiring medical aid for themselves or others attacked by cholera, or by any of its premonitory symptoms; and to provide the medicines to be distributed to such applicants at such dispensaries, and such medicines and cordials as may be required elsewhere in their respective parishes, for necessitous persons attacked as aforesaid who may be under medical treatment.

2. And we do further authorize and require the parochial boards of the said parishes and places to make arrangements for the distribution of notices, stating the places where the dispensaries shall have been provided.

3. Whereas it has heretofore been found to be impracticable to ensure proper treatment in their own houses to many of the poorer classes, we authorize and require the said parochial boards respectively to provide houses or suitable rooms, capable of accommodating necessitous cases, to which persons attacked by cholera who cannot be properly treated in their own houses, may be conveyed.

4. We authorize and require the said parochial boards to provide houses of refuge, to which may be removed the families of such necessitous persons as have been attacked with cholera, and also such necessitous persons living under the same room, or in the vicinity of persons so attacked, as the medical officers acting under the authority of the said parochial boards may deem it necessary to remove; the houses, rooms, or dwellings from which persons may have been so removed to the houses of refuge, to be cleansed and purified by the owners or persons having the care or ordering thereof, or, in their default, by the said parochial boards respectively.

5. And we hereby authorize and require the said parochial board to provide for the frequent visitation by themselves or their officers, or such person as they may appoint in this behalf, of the several houses and dwellings throughout the bounds of their several parishes, and to inquire into the condition and matters affecting the health of the inmates of such houses and dwellings respec-

tively, and their liability to contagious, epidemic, or endemic diseases, and especially as to the existence among them of bowel complaints.

6. And we authorize and require the said parochial board, on their own inspection, or the report of the officers or persons by whom such visitations may be made, or other information which they may acquire from their own committees, or from visitors or others, as to the condition of the poor who may be affected with or threatened by the cholera or other epidemic disease, to supply such medical aid as may appear requisite.

7. And we hereby authorize and require the parochial board, or the officer or person visiting as aforesaid, subject to the special instructions of the parochial board, in each case where symptoms are found of a premonitory attack of bowel complaint, to send the person so affected to the nearest dispensary within the bounds of the parish, or, where that they may be inexpedient, to despatch some member of the family or other person for advice and medical aid, and immediately report to the medical officer the case of every such person found so affected who shall not have proceeded to the dispensary.

8. And we do authorize and direct the several parochial boards to make arrangements for obtaining daily lists of persons attacked by cholera within their respective parishes, with the particulars of their case and treatment, and for communicating the same daily to the other boards respectively, and to the president of the Royal College of Physicians of Edinburgh.

9. And we do hereby authorize and direct the said parochial boards to appoint such additional medical officers, and also to appoint such other officers as may be necessary to carry out, execute, and superintend the execution of these regulations.

Given under our hands, and under the seal of the general board of health, this 20th day of October, 1848.

EDWIN CHADWICK.

T. SOUTHWOOD SMITH.

---

#### DOCUMENTS ISSUED BY THE POOR LAW BOARD.

---

*Poor Law Board, Somerset House,  
October 6th, 1848.*

SIR,—The poor law board desire to call the attention of the guardians to the provisions of the statute, the 11 & 12 Vict. c. 123, passed in the last session to renew and amend the Act of the tenth year of her Majesty for the more speedy removal of certain nuisances, and the prevention of contagious and epidemic diseases.

The guardians will remember that the poor law commissioners, by a circular letter dated October, 8, 1846, brought the provisions of the 9 & 10 Vict. c. 96, under the notice of the guardians.

The object of the statute is twofold. It provides (1) for the more speedy removal of certain nuisances; and (2) for the prevention of contagious and epidemic diseases; but the provisions for the latter object do not take effect till called into action by an order from the privy council.

The 1st section enacts, that upon receipt (or as soon afterwards as can be) by certain bodies therein enumerated, or by any guardians of the poor, of a notice in a form set forth in a schedule to the Act, or to the like effect, signed by two or more inhabitant householders of the parish or place to which the notice relates, stating—

That to the best of their knowledge and belief any dwelling-house or building in any city, town, borough, parish, or place within or over which the jurisdiction or authority of such bodies or guardians extends, is in such a filthy and unwholesome condition as to be a nuisance to, or injurious to the health of any person,

Or that upon any premises within such jurisdiction or authority there is any foul and offensive ditch, gutter, drain, privy, cesspool, or ashpit, or any ditch, &c. kept or constructed so as to be a nuisance to, or injurious to the health of any person,

Or that upon any such premises swine, or an accumulation of dung, manure, offal, filth, refuse, or other matter or thing are or is kept so as to be a nuisance to, or injurious to the health of any person,

Or that upon any such premises (being a building used wholly or in part as a dwelling-house), or being premises underneath any such building, any cattle or animal are or is kept so as to be a nuisance to or injurious to the health of any person,

- Such bodies or guardians, or some committee thereof appointed in this behalf by such bodies or guardians, shall, after twenty-four hours' notice in writing delivered to some person on the premises, or if there be no person there, affixed on some part of the premises (or in case of emergency without notice) by themselves, their servants or agents, with or without medical or other assistants, enter and examine the premises with reference to the matters alleged in the notice of the complainants, and do all that may be necessary for such purpose; and if upon such examination, or upon the certificate of two legally qualified medical practitioners, the existence of the nuisance appears, such body or guardians shall thereupon lay a complaint before a justice of the peace, who shall summon the owner or occupier to appear before two justices to answer such complaint.

Such justices are then required, if the existence of the nuisance is proved to their satisfaction, to make an order for cleansing, whitewashing or purifying such dwelling-house or building, or for the removal or abatement of the cause of complaint in such manner and within such time as shall be appointed.

This order is to be served in the same manner as the summons, and if not complied with, the owner or occupier against whom it is made will be liable to a penalty not exceeding ten shillings for each day of default, and the guardians or other body mentioned therein shall themselves or by their servants enter the premises and cleanse them or remove the cause of complaint, and do all that may be necessary for carrying such order into effect.

Any dung, manure, or other thing which is removed may be destroyed or sold, and if sold the proceeds shall be paid to or retained by the guardians, and shall be applied by them in aid of the poor rate of the place in which the removal shall have been made.

It should be mentioned, that the statute provides, in s. 16, that whosoever shall wilfully obstruct any person acting under the authority or employed in the execution of the Act, shall be liable to a penalty not exceeding five pounds for each offence.

Sect. 3 provides, that the costs and expenses reasonably incurred in obtaining the order or carrying it into effect, may be recovered from the owner or occupier of the premises in respect whereof they have been incurred as a debt in the county court, or by summary process before two justices, unless such justices shall think fit to excuse such person upon the ground of poverty or other special circumstances.

The statute then enacts, in sect. 4, that all costs and expenses reasonably incurred as aforesaid in carrying into effect any of these provisions, and not recovered from the owner or occupier of the premises in respect whereof they have been incurred, shall, upon an order of two justices, be retained, paid, or defrayed by the treasurer of the guardians or by the overseers of the poor out of the funds in their hands applicable to the relief of the poor, and shall be charged to the parish or place wherein the premises in respect whereof they have been incurred shall be situated. By the same section provision is made for the payment of these costs when incurred in extra-parochial places. This order, if not obeyed within twenty-one days, is to be enforced by a warrant of distress.

The guardians will perceive that this provision extends, as the similar one in the former Act did, to the expenses incurred by any party authorized to take proceedings, and consequently is not confined to expenses incurred by themselves.

By section 7, the drainage of filth, &c. from houses not occupied before the 4th of September, 1848, into open ditches so as to occasion a nuisance to or to be injurious to the health of any person, will subject the occupier to a penalty of five pounds per day during the continuance of the offence, and he may also be indicted for a misdemeanor.

There is a like provision with respect to drainage from water-closets or privies constructed after the 4th of September, 1848, and the penalties in that case will attach whether the privy or water-closet so constructed be attached to a house occupied before or after that day.

The statute requires each or any of the several bodies named in it to take proceedings upon receiving such a notice as has been described from competent parties. As, however, the guardians will have to pay the expenses of the proceedings wherever (as must frequently be the case) they are not recovered from the owner or the occupier, it will be most expedient for them to have the conduct of the whole matter. They will do well therefore to promote rather than to discourage applications being made to them under the statute.

It is also desirable that the guardians should be aware, that by the interpretation clause, s. 22, the words "guardians of the poor" mean "the guardians, directors, wardens, governors, parochial board, or other like officers having the management of the poor for any union, parish or place, where the matter requiring the cognizance of any such officers arises;" and the word "*owner*" means any person receiving the rents of the property in respect of which that word is used from the occupier of such property on his own account, or as trustee or agent for any other person, or who would receive the same if such property were let to a tenant."

The board think it may be useful to advert briefly to the chief points of difference regarding the removal of nuisances, between the present Act and that which has just expired.

By the *present* Act a notice from two householders is sufficient to enable the guardians to act; by the *late* Act a certificate signed by two duly qualified medical practitioners was needed, before the guardians could act. By the *present* Act it is made imperative on the guardians or other bodies to whom notice is given to proceed forthwith in the manner prescribed; by the *late* Act it was discretionary with the guardians and other bodies, whether they would take the proceedings for the abatement of the nuisance. By the *present* Act a penalty of ten shillings is imposed upon the owner or occupier who disobeys an order of justices, for every day he makes default; by the *late* Act no such pecuniary penalty was imposed: by the present Act to enable the guardians or other bodies to determine whether proceedings ought to be taken or not, an entry of the premises for the purpose of examination, is authorized; by the *late* Act a right of entry only was given to enforce the order of justices when made. Under the *present* Act express powers are given for distraining a defaulter's goods wherever they may be found. The Act also authorizes dung, &c. found on the premises to be destroyed or sold. These powers were not given by the *late* Act; the present Act distinctly assigns duties to the guardians and poor law officers as well as to surveyors and others charged with the management of roads and surface cleansing. The provision for this purpose is new.

The former was a temporary Act; the present is permanent. The present, like the former Act, is applicable to the whole of the united kingdom. The only exception is in the cases of "*districts*" formed under the Public Health Act, where, in order to prevent conflicting jurisdiction, a discretion will be exercised by the general board of health as to how far the present Act shall be applied.

The guardians will observe that by the second part of the Act the board of health are charged with the duty of preparing regulations which the union and parochial officers are required to enforce, in the event of the country being afflicted or threatened with any formidable epidemic, endemic, or contagious disease.

The progressive advance of a formidable epidemic to the western part of Europe, has, in the opinion of government, rendered necessary the enforcement of the Act. An order in council has accordingly been issued for putting it in force throughout the kingdom.

The guardians, and the union and other local officers must now therefore, in compliance with these provisions, act upon all regulations which they may receive from the general board of health, for such places as that board may deem to require them; and on all questions regarding the execution of this part of the Act, the guardians may communicate directly with the general board of health.

It must be stated to the guardians that on the subject matters of the present Act, and on the means for the prevention both of disease and of the destitution arising from sickness and premature mortality, the general board of health propose to communicate information specially adapted for the guidance of medical and other officers, by means of an *official circular*, which will be issued in the same form, and may be taken at the discretion of guardians, in the same manner as the official circular of the poor law board.

While upon the subject of this statute, which relates to the prevention of disease, the board think it well to mention, though it does not immediately affect the guardians, that by sect. 67 of the Public Health Act, the churchwardens and overseers are required from time to time, after the passing of that Act, to give public notice as to the provisions with respect to the occupation of cellars and underground rooms, and that these provisions are imperative, whether the Public Health Act is in force within their parish or not.

In conclusion, the board think it desirable to repeat the following observations of the late commissioners, made in their circular letter of the 8th October, 1846 :

“ The improvement of the sanitary condition of the poorer classes tends so greatly to remove many of the causes of destitution and pauperism, that the money judiciously expended on such an object, now sanctioned by the legislature, in the cases to which the statute applies, will be found to be most profitably laid out, even in reference to the more direct object of the duties of the guardians.”

I am, Sir, your obedient servant,

W. G. LUMLEY,

Assistant Secretary.

To ——— the Clerk to the  
Board of Guardians.

*Poor Law Board, Somerset House,  
6th November, 1848.*

SIR,—I am directed by the poor-law board to forward a copy of the directions and regulations issued by the general board of health under the provisions of the "Nuisance Removal and Diseases Prevention Act, 1848," and which were published in the supplement to the "London Gazette" on Saturday last.\*

It will be seen that your union is one of those in which these directions and regulations are to be put in force, and the poor law board trust that the guardians will give their immediate and careful attention to them.

The 10th section of the Act referred to (the 11 & 12 Vict. c. 129), requires the guardians to carry these directions and regulations into execution; and the 14th section, though enabling them to call upon the existing officers to act in the matter, gives the guardians authority to appoint other persons to aid their officers in the discharge of these new duties.

The guardians must determine for themselves how far such additional assistance will be requisite, but the poor law board deem it right to advert to the circumstance that the present season of the year is that which usually demands the greatest amount of labour from the union officers in the performance of their ordinary duties; and consequently some assistance may be required at the present time, which may be well dispensed with after the winter has passed.

The board wish to remind the guardians that the expenditure incurred in carrying the directions and regulations in question into execution must be borne by the common fund, and the board think it desirable that a separate account should be kept in the union ledger of the items of this expenditure, so that it may be distinguishable from the cost of the ordinary relief of the poor.

The board also transmit a copy of a notification published by the general board of health on the 31st ultimo in reference to the carrying into execution of their directions and regulations, and the poor-law board recommend this document also to the attentive consideration of the guardians.†

The guardians will perceive that some of the passages in the notification refer to regulations which have not been issued to their union.

I am, Sir, your obedient servant,

W. G. LUMLEY, Assistant Secretary.

*To the Clerk of the Board of Guardians.*

---

\* For the directions and regulations referred to, see page 74.

† Extracts from the document referred to will be found at page 70.

*The following notice, in respect to the provisions of the Act, is recommended to be made public by the boards of guardians in their several unions.*

**Removal of Nuisances.**—NOTICE,—I am instructed by the board of guardians to make known throughout this union that the Act passed in the last sessions of parliament to renew and amend an Act of the tenth year of her present Majesty, for the more speedy removal of certain nuisances, and the prevention of contagious and epidemic diseases, confers upon them the power, by themselves, their servants or agents, (upon receipt of a notice in writing signed by two or more inhabitant householders of the parish or place to which the notice relates, stating that, to the best of the knowledge and belief of the persons by whom such notice is signed, any dwelling-house or building is in such a filthy and unwholesome condition as to be a nuisance to or injurious to the health of any person, or that upon any premises there is any foul and offensive ditch, gutter, drain, privy, cesspool, or ashpit, or any ditch, gutter, drain, privy, cesspool, or ashpit, kept or constructed so as to be a nuisance to or injurious to the health of any person, or that upon any such premises swine, or any accumulation of dung, manure, offal, filth, refuse, or other matter or thing, are or is kept so as to be a nuisance to or injurious to the health of any person, or that upon any such premises, being a building used wholly or in part as a dwelling-house, or being premises underneath any such building, any cattle or animal are or is kept so as to be a nuisance to or injurious to the health of any person.)

To enter such premises and examine the same with respect to the matters alleged in such notice, and, if necessary, to make a complaint before a justice, who shall thereupon summon the owner or occupier to appear before two justices.

And such justices are empowered,

To make an order for cleansing, whitewashing, or purifying such dwelling-house or building, or for the removal or abatement of any such cause or causes of complaint, in such manner and within such time as shall be specified in such order.

If such order be not complied with, the owner or occupier against whom it is made will be liable to a penalty not exceeding ten shillings for every day during the continuance of his default, and the guardians, by themselves or agents, are authorized to enter such premises and cleanse, whitewash, or purify the same or remove or abate the cause or causes of complaint in respect whereof the said order was made.

The costs and expenses incurred by the guardians, may be recovered from the owner or occupier of the premises in the county court, or before two justices, by distress and sale of the goods and chattels of such owner or occupier.

Whosoever shall wilfully obstruct any person acting under the authority of the Act of parliament, is made liable for every such offence to a penalty not exceeding five pounds.

All penalties imposed by the Act may be recovered by any



person before any two justices, and may be levied by distress and sale of the goods and chattels of the offender.

It is expedient that all such dwelling-houses and premises as are before mentioned, should forthwith be cleansed and white-washed, and every nuisance or cause of complaint mentioned in the Act removed.

The board of guardians therefore trust that all owners and occupiers of property within this union, will, without delay, in cases wherever it is required, do that which the law demands, for it cannot be too strongly impressed on the minds of owners and rate-payers, that the improvement of the sanitary condition of the poorer classes tends greatly to remove many causes of destitution and pauperism.

The board of guardians are, and will at all times be prepared, to put the Act in immediate operation in every case of neglect, upon receipt of a notice in writing, signed by any two inhabitant householders, and the board request the co-operation of the inhabitants generally throughout the union in the furtherance of so desirable an object.

A form of notice may be had on application to me at my office.

\_\_\_\_\_ *Clerk to the board of guardians,*

To \_\_\_\_\_

\_\_\_\_\_ *Union.*

# INDEX.

---

A.		PAGE
Act not to apply to places under Public Health Act -	-	21
Allowances to medical member of general board of health		39
Application of penalties - - - - -	-	46
of proceeds of sale of sewage - - - - -	-	23
Appointment of medical member of general board of health		39
of officers of health by guardians - - - - -	-	41
Assessment in Scotland, when to be made - - - - -	-	42
B.		
Board of supervision, to compel execution of directions of general board of health - - - - -	-	39
C.		
Chloride of zinc, use of, as a disinfecting agent- - - - -	-	27
Cholera cases, mode of treatment of - - - - -	-	34
Cholera Acts - - - - -	-	26
Churches, ventilating of - - - - -	-	27
Cleansing of streets, &c. - - - - -	-	27
Commissioners of health, in Ireland, appointment of, by lord lieutenant - - - - -	-	38
to issue directions and regulations for the prevention of epidemic diseases - - - - -	-	26
Commissioners for paving, &c. to take proceedings for removal of a nuisance - - - - -	-	1
Commissioners of police in Scotland to take proceedings for removal of nuisances - - - - -	-	11
Commissioners of sewers to take proceedings for removal of a nuisance - - - - -	-	2
jurisdiction of, not to be impaired by Act - - - - -	-	21
Complaint against owner or occupier of premises, - - - - -	7,	13
Contagious diseases, regulations for prevention of - - - - -	-	26
Costs of carrying Act into effect to be defrayed out of poor rates - - - - -	-	19
Costs, excusal of payment of - - - - -	-	17

	PAGE
Costs, recovery of - - - - -	15
County court, recovery of costs in - - - - -	16
D.	
Dean of guild, to take proceedings for removal of nuisances in Scotland - - - - -	13
Disinfecting agents - - - - -	27
Disposal of offal, &c. - - - - -	10, 15
Ditches along sides of highways to be cleansed by surveyors of highways - - - - -	22
Drainage into open ditches from new houses a misdemeanor	23
Dung, &c. disposal of - - - - -	10, 15
E.	
Entry upon premises, powers of town council in respect to, to examine whether nuisance exists - - - - -	6, 13
power of, to execute directions of general board of health - - - - -	41
Epidemic diseases, privy council to direct provisions of Act in respect to, to be put in force - - - - -	25
regulations for prevention of - - - - -	26
Examination of premises where nuisance alleged to exist -	6, 13
Expenses of guardians, how to be paid - - - - -	42
Expenses, payment of, in Scotland, in parishes where there is no assessment for relief of the poor - - - - -	42
Extra-parochial place, costs incurred in respect of, how to be charged - - - - -	19
execution of directions of general board of health in payment of expenses incurred in regard to	33 42
F.	
Fever hospitals, notice of intention to open, to be given to general board of health - - - - -	24
opening of, in workhouses - - - - -	24
G.	
Gazette, orders of privy council, &c. to be published in -	43
General board of health, notice of intention to build or open fever hospitals to be given to - - - - -	24
to issue directions and regulations for the prevention of epidemic diseases - - - - -	26
may require guardians, &c. to superintend and execute directions, &c. - - - - -	33

# *Index.*

89

	PAGE
General board of health, to what places directions of, shall extend - - - - -	35
appointment of medical member of - - - - -	39
directions of, to be enforced by poor law commissioners and board of supervision - - - - -	39
directions and regulations of, to be laid before parliament and gazetted - - - - -	43
Guardians of the poor, to take proceedings for removal of a nuisance - - - - -	2
duty of, when paupers are attacked with fever -	10
to superintend execution of directions of general board of health - - - - -	33
to supply medicines and medical aid - - - - -	33
powers of, to enter upon premises to execute directions of general board of health - - - - -	41
to appoint officers - - - - -	41
expenses of, how to be paid - - - - -	42
interpretation of term - - - - -	49

## H.

Highways, ditches at sides of, to be cleansed by surveyors	22
Highway Acts, certain provisions of this Act to be deemed part of - - - - -	23
Hospitals (fever), notice of intention to build or open, to be given to general board of health - - - - -	24
Houses not before inhabited, drainage from, into open ditches cleansing of - - - - -	27

## I.

Informations, how to be laid by corporate bodies - - -	5
Inspector of the poor in Scotland to take proceedings for removal of nuisances - - - - -	12
Interment of the dead - - - - -	27
Interpretation of terms in Act - - - - -	48

## J.

Joint owners, proceedings against - - - - -	46
Jurisdiction of commissioners of sewers not to be impaired by Act - - - - -	21
Justices, powers of, to order nuisance to be removed - 9,	14
Justices of the peace in Scotland to take proceedings for removal of nuisances - - - - -	12
Justices to order payment of certain costs out of poor rates	19

	PAGE
Justices, power of, to require occupier to permit owner to execute works - - - - -	44
Justice, interpretation of term - - - - -	48

## L.

Legal medical qualification in England - - - - -	7
in Scotland - - - - -	13
Lord Lieutenant to direct provisions of Act in respect to epidemic diseases to be put in force - - -	25
in Ireland, appointment of commissioners of health by	39

## M.

Magistrates, interpretation of term - - - - -	49
Manure, &c. disposal of - - - - -	10, 15
Medical aid to persons afflicted with epidemic diseases -	33
Medical certificate of state of premises - - - - -	7, 13
Medical member of general board of health, appointment of allowances to - - - - -	39
Medical men, appointment of, to attend epidemic cases of disease - - - - -	41
Medical practitioners to sign certificate - - - - -	7, 13
Medical qualification, what is a legal - - - - -	7, 13
Medicines, supply of - - - - -	38
Misdemeanor, drainage into open ditches from new houses shall be a - - - - -	23
Mode of citing Act - - - - -	50

## N.

Notice of a nuisance existing, who to be signed by - - -	3, 12
Notice as to nuisance existing, service of - - - - -	7, 13
Nuisance, what is to be considered a - - - - -	4, 12

## O.

Obstructing execution of Act, penalties for - - - - -	43
Occupier, service of summons to appear - - - - -	8, 14
recovery of costs from - - - - -	15
power of justices to compel, to allow owner to execute works - - - - -	44
not necessary to describe him by name in proceedings	47
Offal, &c. disposal of - - - - -	10, 15
Officers, appointment of, by guardians - - - - -	41

	PAGE
Officers of health in Ireland to take proceedings for removal of a nuisance - - - - -	3
Open ditches, drainage into, from new houses - - - - -	23
Open drains, in parishes not under a board of health, course of proceeding - - - - -	11
Order for removal of nuisance, to be made by justices, or, in Scotland, by sheriff - - - - -	9, 14
service of - - - - -	9, 14
Overseers, in parishes not under a board of health, may cover up drains, &c. - - - - -	11
may, in certain cases, execute certain works - - - - -	11
Owner, service of summons to appear - - - - -	8, 14
recovery of costs from - - - - -	15
not necessary to describe him by name in proceedings - - - - -	47
interpretation of term - - - - -	49
Owners (joint), proceedings against - - - - -	46

## P.

Parliament, orders, &c. to be laid before - - - - -	43
Parochial boards to superintend and execute directions of general board of health - - - - -	33
to supply medicines and medical aid - - - - -	33
Parochial board, interpretation of term - - - - -	49
Penalties, on owner or occupier for not removing nuisance when ordered - - - - -	9, 15
for obstructing execution of Act - - - - -	43
recovery of - - - - -	45
application of - - - - -	46
Person, interpretation of term - - - - -	49
Poor law commissioners, powers of, to compel execution of directions of general board of health - - - - -	39
Poor rates, what expenses are to be defrayed out of - - - - -	19
expenses of guardians to be paid out of - - - - -	42
penalties to be applied in aid of - - - - -	46
Power of entry upon premises to execute directions of general board of health - - - - -	41
Privy council to direct provisions of Act in respect to epidemic diseases to be put in force - - - - -	25
orders of, to be laid before parliament and gazetted - - - - -	43
Proceedings not to be quashed for want of form - - - - -	47
Proceedings commenced under 9 & 10 Vict. c. 96, may be enforced - - - - -	48
Proceeds of sale of sewage, application of - - - - -	23

	PAGE
Procurator fiscal to take proceedings for removal of nuisances in Scotland - - - - -	12
Public Health Act, 1848, Act not to apply to places under	21
Public ways, cleansing of - - - - -	27
R.	
Recovery of costs - - - - -	15, 20
Recovery of penalties - - - - -	45
Refuse, &c., disposal of - - - - -	10, 15
Removal of nuisances in England and Ireland, proceedings in regard to - - - - -	1
in Scotland, proceedings in regard to - - - - -	11
Removal of nuisances under directions of general board of health - - - - -	27
S.	
Schedule (A) - - - - -	51
(B) - - - - -	52
(C) - - - - -	54
(D) - - - - -	56
Service of order for removal of nuisance - - - - -	9, 14
Sewage, application of proceeds of sale of - - - - -	23
Sheriff, power of, to order nuisance to be removed - - - - -	14
to order payment of certain costs out of poor rates - - - - -	20
interpretation of term - - - - -	48
Streets, cleansing of - - - - -	27
Street, interpretation of term- - - - -	49
Summons to owner or occupier, service of - - - - -	8, 14
Surveyors of highways to cause ditches, &c. to be cleansed-	22
T.	
Town council to take proceedings for the removal of a nuisance - - - - -	1
Treasurer of guardians or parochial board to pay costs of carrying Act into effect- - - - -	19
Trustees for paving, lighting, &c. to take proceedings for removal of a nuisance - - - - -	1
W.	
Wells, sinking of, by overseers - - - - -	11
Workhouses, opening fever hospitals in - - - - -	25

## A N A C T

TO AMEND THE NUISANCES REMOVAL AND DISEASES  
PREVENTION ACT, 1848.

1ST AUGUST, 1849.

SECT. 1. *This Act to be construed with Nuisances Removal and Diseases Prevention Act, 1848, as one Act.*] Whereas it is expedient that the Nuisances Removal and Diseases Prevention Act, 1848, should be amended, and that the powers of the general board of health in relation to certain of the purposes of that Act should be extended: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that this Act shall be deemed to be part of the Nuisances Removal and Diseases Prevention Act, 1848, and shall be construed accordingly.

SECT. 2. *Power to summon witnesses, &c. in certain cases.*] And be it enacted, that it shall be lawful for the general board of health, or any two of the members thereof, from time to time as such board shall see occasion, to require, by summons under the seal of the said board, or if by two only of the members of such board (a) then under the hands of such two members

(a) This empowers any two members though not acting as a board, of their own authority, to issue the summons, provided it be sealed with the seal of the board in addition to its being signed by such two members.



and the seal of the said board, (according to the form in the schedule annexed to this Act or as near thereto as the case will permit,) any person to appear before such board to testify on oath the truth touching any matters respecting which the said board are now or may hereafter be authorized to inquire (which oath any member of the said board is hereby empowered to administer) (b).

*Penalty for not appearing, or refusing to be sworn.]*  
And every person who, after tender (c) of reasonable expenses in that behalf, shall not appear pursuant to such summons, or shall not assign some reasonable excuse for not so appearing (d), or refusing to be sworn

---

(b) No power was conferred by the Act of 1848 (11 & 12 Vict. c. 123,) upon the general board of health to summons persons to appear before them, or to inquire into any matters affecting the public health or the removal of nuisances. Under the Public Health Act, 1848, that board is only empowered to direct a *superintending inspector* to visit any city, town, borough, parish, or place, and to make public inquiry and examine witnesses, upon certain matters relating to drainage, supply of water, burial grounds, and boundaries, preliminary to the application of that Act by order in council or provisional order (ss. 9, 10). The only matter which the general board of health is authorized by this Act to inquire into is, the state of burial grounds in any part of England and Wales excepted from the powers of the Public Health Act, 1848, or in any populous city or town to which for the time being that Act has not been applied, with the view to directing measures of precaution to be taken (s. 9 *et seq.*), but no general power to inquire into questions affecting the public health or existing nuisances is conferred upon the board by this Act or by the former one.

(c) The tender of reasonable expenses ought to be made when the summons is served upon the party, or, at all events, a reasonable time before the time when the party is required to appear to the summons.

(d) The excuse must be "reasonable," and should be assigned by letter, or otherwise, at the time when the party ought to have

*Prosecutions for Violation of Regulations.* 3

or examined, shall, upon being convicted thereof before one of her Majesty's justices of the peace or the sheriff for the county or place at and within which such person shall have been by such summons required to appear and give evidence shall be situate, for every such neglect or refusal forfeit a sum not exceeding twenty pounds.

SECT. 3. *Secretary of board of health may institute and carry on prosecution for violation or neglect of regulations.*] (e) And be it enacted, that the secretary of the general board of health may, on the order of the said board, sealed with the seal of such board, and signed by any two members thereof, prosecute any person for wilful violation or neglect (f) of any direc-

appeared to the summons. It will be for the justices or sheriff before whom proceedings are taken for the enforcement of the penalty, to determine whether the excuse was "reasonable." Illness of the party summoned, or dangerous illness of a relative upon whom he is in attendance, or urgent private or other public business, would all seem to be reasonable excuses for not appearing when summoned.

(e) Under the 11 & 12 Vict. c. 123, s. 12, the poor law board, the commissioners for administering the laws for relief of the poor in Ireland, and the board of supervision for relief of the poor in Scotland, were empowered to require the officers and persons acting under them to inquire into, superintend, and report upon the execution of the directions and regulations of the general board of health, and to enforce and direct the execution of such directions and regulations. But this and the following section, though they do not impair the powers of the central poor law authorities, directly empower the secretary of the general board of health, and the local poor law authorities, to prosecute or direct any prosecutions or legal proceedings for or in respect of the wilful violation or neglect of any direction or regulation issued by the general board of health, or of the commissioners of health in Ireland. See note (v) to section 12 of the 11 & 12 Vict. c. 123, page 40.

(f) See note (j), page 5.

tion or regulation issued by such board under the Nuisances Removal and Diseases Prevention Act, 1848 (*g*).

*Application of penalties.*] And all penalties sued for and recovered by such secretary shall, notwithstanding anything contained in the last-mentioned Act, be paid to him, and be applied in defraying the costs and expenses incurred by him in such prosecutions, and the balance (if any) shall be applied in such manner as the lords commissioners of her Majesty's treasury shall direct (*h*); and if the penalties so recovered shall be insufficient to defray such costs and expenses, the deficiency shall be defrayed out of any monies which may be from time to time provided by parliament for that purpose (*i*).

SECT. 4. *Guardians of the poor, &c. may direct prosecutions in certain cases.*] And be it enacted, that the guardians, directors, wardens, governors, or overseers of the poor, or parochial board, or other like officers having the management of the poor, or acting

(*g*) This section does not apply to the recovery of the penalty imposed by the preceding section, but to the regulations issued by the general board of health, and published in the *London Gazette* of 4th April, 1849; nor does it apply to the penalties imposed by the Act of 1848 for neglecting to remove or abate nuisances when the proceedings are taken under the 1st and 2nd sections of that Act, or to the proceedings for their recovery.

(*h*) All penalties imposed by the former Act were to be applied in aid of the rates or funds for the relief of the poor of the parish, electoral division, or place in which the penalties were incurred.

(*i*) An estimate of the costs of proceedings at law of each public department, the expenses of which are defrayed out of the consolidated fund, is annually submitted to parliament; and out of the grant made for the expenses of the general board of health, these law expenses of the secretary of that board will fall to be defrayed.

under the authority of any local Act of parliament for the paving, cleansing, drainage, or lighting any town or parish, may from time to time direct any prosecutions or legal proceedings for or in respect of the wilful violation or neglect (*j*) of any direction or regulation issued by the general board of health, or in *Ireland* commissioners of health, under the Nuisances Removal and Diseases Prevention Act, 1848, and may defray the expenses of such prosecutions or proceedings out of the funds in their hands applicable to the relief of the poor (*k*).

SECT. 5. *Ex-officio guardians may act as justices.*] And be it enacted, that justices of the peace being *ex-officio* guardians of the poor may in all cases, notwithstanding their holding the office of guardian, exercise in petty session (*l*) the jurisdiction vested in

---

(*j*) The 16th section of the former Act imposed a penalty of 5*l*. upon any person who wilfully *violated* any direction or regulation of the general board of health, but did not provide for the case of a *neglect* to comply with those directions or regulations. It will be observed that the guardians, &c., are now empowered to direct prosecutions or legal proceedings for or in respect of the wilful violation or *neglect* of any direction, &c., but nowhere is any penalty expressly imposed for any such wilful neglect. Any legal proceedings which the guardians may direct in respect of any such neglect will therefore be of no avail, unless a "wilful neglect" of the directions be held to be a "wilful violation" of them.

(*k*) When the proceedings are taken by the guardians and penalties recovered, such penalties will be applied in the manner directed by the 11 & 12 Vict. c. 123, s. 17; *i. e.* in aid of the rates or funds for the relief of the poor of the parish, electoral division, or place in which the penalties may have been incurred.

(*l*) This is similar in effect to the provision in the 5 & 6 Vict. c. 57, s. 15, in reference to *ex officio* guardians acting as justices of the peace at petty, special, or general quarter sessions, in cases in which the guardians of the union are complainants, or are

them as justices of the peace under the Nuisances Removal and Diseases Prevention Act, 1848 (*m*).

SECT. 6. *Guardians of the poor, &c. may take certain proceedings upon the certificate of the medical or relieving officer.*] And be it enacted, that guardians, directors, wardens, governors, overseers (*n*), or parochial board, or other like officers having the management of the poor, or acting under such authority as aforesaid (*o*); upon the receipt of a certificate (*p*) of any medical or

otherwise interested or concerned. The jurisdiction of ex-officio guardians, it will be observed, is limited to "petty sessions." It seems doubtful whether justices can receive a complaint and issue a summons under the 11 & 12 Vict. c. 123, elsewhere than in petty sessions, and it will therefore be prudent to avoid such a question, by only receiving complaints when sitting in petty sessions.

(*m*) See sections 1, 2, 3, 4, 16, and 17, of 11 & 12 Vict. c. 123.

(*n*) In reference to the powers expressly given to "overseers" by this clause in regard to the removal of nuisances, see note (*d*) to section 1 of 11 & 12 Vict. c. 123, page 2. The word has apparently been introduced to remedy the defect in the former Act in reference to the removal of nuisances existing in parishes and places not in union under the poor law board, or in which there are no town councils, trustees, or commissioners of drainage, &c. or commissioners of sewers.

(*o*) Note that it is only the guardians, directors, wardens, governors, overseers, or parochial board, or other like officers having the management of the poor, or acting under such authority as aforesaid (that is, under the authority of any local Act of parliament for the paving, cleansing, drainage, or lighting any town or parish), that can, upon the certificate of a medical officer or relieving officer, compel the removal of a nuisance. When proceedings are taken by the town council, or commissioners of sewers, or trustees or commissioners for managing or directing the police, the notice signed by two or more inhabitant householders of the parish or place to which it relates is still necessary.

(*p*) This certificate need not be in the form contained in schedule (A) to the 11 & 12 Vict. c. 123; but all the other proceedings

relieving officer of the union or parish for which any such guardians, directors, governors, overseers of the poor, or parochial board, or other officers, act, stating the existence of any of the cause or causes of complaint specified in the sections numbered I. and II. in the copies of the Nuisances Removal and Diseases Prevention Act, 1848, printed by her Majesty's printers, or in *Ireland* upon the receipt of a like certificate of any such medical or relieving officer, or of any two constables of the constabulary force of the district or place or of any two constables of the *Dublin* police within the *Dublin* police district, shall take all such proceedings as by the said sections respectively are required to be taken upon the receipt of a notice in writing signed by two inhabitant householders, and in the same manner (as nearly as may be) as if such notice had been given.

SECT. 7. *Guardians of the poor, &c. may defray certain expenses without an order of justices, sheriff, or magistrates.*] And whereas it is enacted by the Nuisances Removal and Diseases Prevention Act, 1848, that all costs and expenses reasonably incurred in carrying into effect certain provisions therein contained, and not recovered from any owner or occupier of the premises in respect of which such expenses shall have been incurred, shall, upon an order in writing, specifying the sum to be paid, under the hands and seals of two justices, or in *Scotland* under the hands of the sheriff or magistrate, or two justices, be retained, paid, or defrayed by the treasurer of the guardians of

---

must be in conformity with the mode of procedure required by that Act, and those proceedings may be taken by the committee of guardians, &c. appointed either temporarily or permanently in that behalf.

the poor, or parochial board, or by the overseers of the poor or other proper officers, out of the funds in their hands applicable to the relief of the poor; and it is expedient that such costs and expenses should be retained, paid, and defrayed in certain cases without an order of justices, sheriff, or magistrates:

Be it therefore enacted, That whenever any such costs and expenses shall have been or shall be reasonably incurred by any guardians, directors, wardens, governors, overseers of the poor, or parochial board, or other like officers having the management of the poor (*q*), and the same shall not have been recovered from the owner or occupier of the premises in respect of which such costs and expenses shall have been incurred, such costs and expenses may, where an order shall have been made by the justices for the removal or abatement of the nuisance (*r*), or in any case where the amount shall not exceed twenty shillings (*s*), be retained, paid, and defrayed by the treasurer of such guardians, or by such directors, wardens, governors, overseers, or parochial

---

(*q*) This, it will be observed, applies only to the payment of costs incurred by the guardians, &c. and parochial authorities, and not to costs incurred by town councils and commissioners of sewers, or trustees or commissioners for managing or directing the police. An order of justices will therefore still be necessary when the costs have been incurred by the last-mentioned class of local authorities.

(*r*) When the costs exceed twenty shillings, and an order has not been made by the justices for the removal or abatement of the nuisance, the guardians, directors, &c. cannot defray them out of the funds in their hands applicable to the relief of the poor without an order of justices. In such cases, the payment of the costs out of the poor-rates must be authorized by the justices in the manner directed by the 4th section of the 11 & 12 Vict. c. 129.

(*s*) When the costs are to be paid by the treasurer, the proper course will be for the guardians to draw a cheque upon that officer for the amount.

board, or other like officers, (as the case may be,) out of the funds in their hands applicable to the relief of the poor, without the order of any justice or justices of the peace, anything in the said Act to the contrary notwithstanding, and be charged as in the said Act directed (t).

SECT. 8. *Guardians of unions or parochial boards may charge expenses of removing nuisances on parish, &c. where premises situated.*] And be it enacted, that where the guardians of a union or parochial board, shall in the execution of any order or regulation of the board of health issued under the authority of the said herein-before mentioned Act, expend any money in the removal or abatement of a nuisance, from any private premises or land, or from any public place they may if they think fit (u) charge the same (v), where the expenses do not exceed twenty shillings, to the parish or place, or electoral division in the union (w) or combi-

---

(t) Namely, to the parish, electoral division, or place maintaining its own poor, in which the premises in respect whereof such costs and expenses shall have been incurred are situated.

(u) If the guardians do *not* think fit to charge the expenses to the particular parish, they must of course charge them to the common fund of the union as heretofore.

(v) Under the former Act, the expenses incurred by the guardians and parochial boards in carrying into execution the orders and regulations of the general board of health, were to be defrayed out of the funds of their respective unions, parishes (*i. e.* single parishes in which relief to the poor is administered by a board of guardians), or combinations—so that these expenses were a charge upon the common fund of the union or combination, notwithstanding that they might have been incurred for the benefit of a particular parish only; but now these expenses may, in certain cases, be charged to the parish instead of to the common fund.

(w) These words “or electoral division in the union” appear to refer to the electoral divisions of unions in *Ireland*, and are improperly introduced here. The authority of the general board of



nation wherein the premises shall be situated in respect whereof such expenses shall have been incurred, and where they exceed twenty shillings, and the guardians or the majority of the guardians, if more than two guardians of such parish, electoral division or place, object in writing to the said expenses being so charged (*x*), then only upon an order in writing under the hands and seals of two justices, or in *Scotland* under the hands of the sheriff or magistrates, or two justices, who are hereby required to make such order (*y*) upon application on behalf (*z*) of such guardians.

health does not extend to Ireland; and as the clause relates to the rules and regulations of that board only, and not to the rules and regulations of the commissioners of health in Ireland, it follows that in Ireland the expenses to which this clause has special reference must still be defrayed out of the common fund of the union.

(*x*) In most cases this objection will be made at a meeting of the guardians, but it need not necessarily be so made—it will be sufficient if a written paper signed by an absolute majority of the elected guardians of the parish, objecting to the expenses being charged upon the parish, be sent in to the clerk of the union as the officer of the guardians—and it would seem that the objection should be made before the expenses are actually charged to the parish in the minute book of the guardians.

(*y*) It will be here remarked that the making of this order is a ministerial act of the justices, which the Act in terms makes it imperative upon them to make upon the application of the guardians; so that practically, if the majority of the guardians resolve to charge the expenses to a particular parish, the guardians of that parish, if in a minority, appear to have no power to prevent them ultimately from doing so.

It is difficult to see what the framers of the Act intended to effect by this section; but in case such an application should be made to justices, it would be advisable for such justices, in all cases, to summon the dissentient guardians, to show cause why the order should not be made, and should they show sufficient grounds the order may very safely be refused by the justices.

(*z*) The clerk will be the proper officer to make the application on behalf of the guardians.

SECT. 9. *General board of health may cause inquiry to be made into state of burial grounds.*] And be it enacted, that it shall be lawful in *England* or *Wales* for the general board of health, and in *Ireland* for the commissioners of health, to cause inquiry to be made by a superintending inspector, or by such other ways and means as the general board of health or such commissioners may deem fit to direct, into the state of the burial grounds in any part of *England* or *Wales* excepted (a) from the powers of the Public Health

(a) The following are the places excepted from the powers of the Act referred to :—

1. The city of London, and the liberties thereof.
2. The parts within the limits of certain commissions of sewers bearing date at Westminster, the 30th of November, 1847 ; also the parts within the limits of a certain other commission of sewers, bearing date at Westminster, the 4th of December, 1847.—Mr. LAWES, in his edition of the Public Health Act, 1848, describes the limits of these several commissions thus:—*In the Tower Hamlets commission*,—"the limits of the Tower Hamlets (excluding Saint Catherine's and Blackwall Marsh), in the county of Middlesex," and "the borders or confines of the same ;" *in the Saint Catherine's Commission*,—"the precinct of Saint Catherine (exclusive of the Tower Hamlets and the liberties thereof), in the county of Middlesex," and "the borders or confines of the same ;" *in the Poplar and Blackwall commission*,—"the limits of and between Limehouse and Blackwall, in the several parishes of All Saints Poplar and Saint Anne, in the county of Middlesex, called Poplar Marsh, otherwise Stebunheath Marsh, in the said county, siting to the river Thames, opposite to Deptford and Greenwich marshes, in the county of Kent," and "the borders or confines of the same ;" *in the Holborn and Finsbury commission*,—"the limits of the Holborn and Finsbury divisions, the parish of Saint Leonard, Shoreditch, and the liberty of Norton Folgate, in the county of Middlesex," and "the borders or confines of the same ;" *in the Westminster commission*,—"the limits of the parishes of Hampton, Teddington, Twickenham,

Act, 1848, or in any populous city, town, or place in *England* or *Wales* to which for the time being the said Act has not been applied, (b) or in any populous city, town, or place in *Ireland* (c).

---

Isleworth, Hanwell, Brentford, Acton, Ealing, Hammer-smith, Fulham, Kensington, and Chelsea, in the county of Middlesex," "the city and liberty of Westminster and precincts of the same, and to Temple Bar, within the said county, and from thence to and within the parish of Saint Giles-in-the-Fields and Saint George Bloomsbury, Saint Pancras, Saint Mary-le-bone, Hampstead, Willesden, and Paddington, and so to the river Thames, in the county aforesaid," and the borders or confines of the same;" in the *Surrey and Kent commission*,—"the limits of the district extending from East Mouldsey, in the county of Surrey, to Ravensbourne, in the county of Kent," and "the borders or confines of the same;" in the *Greenwich commission*,—"the limits extending from the head of the river Ravensbourne to Lombard's Wall," in the county of Kent, and "the borders or confines of the same."

3. The parts subject to the jurisdiction of the commissioners acting in the execution of the 5 Geo. 4, c. 100, for (amongst other things) more effectually paving, lighting, watching, cleansing and regulating the Regent's Park, and in the execution of the several Acts for extending the jurisdiction of such commissioners.

(b) With reference to burial grounds within districts in which a local board of health has been established, see the Public Health Act, 1848, ss. 8, 82—which empower the general board of health to cause inquiry to be made by a superintending inspector into the state of such grounds—and when they are found to be in such a state as to be dangerous to the health of persons living in the neighbourhood of them, to certify the same in the London Gazette and in some one or more of the public newspapers usually circulated within the district,—and after the day to be named in such certificate, it shall not be lawful to bury or permit or suffer to be buried any further corpses or coffins in, within, or under the ground, church, or place of worship, to which the certificate relates.

(c) Note that the powers of the general board of health in respect to burial grounds do not extend to Scotland.

*And may direct measures of precaution.]* And if it appear to the general board of health or the said commissioners that any such burial ground is in such a state as to be dangerous to the health of the persons living in the neighbourhood thereof, it shall be lawful for the said general board of health, in *England* and *Wales*, under the seal of the said board, and under the hands of two or more members thereof, and the said commissioners of health in *Ireland*, under the hands of two or more of them, to issue such orders as the said board or commissioners respectively may think fit for the application of such disinfecting substances, (d) and for the adoption of such other measures of precaution in relation to the premises, as may, in the opinion of the said board or commissioners of health, tend to lessen or remove the danger to health.

*Churchwardens to carry out orders of general board of health, and pay expenses out of poor-rate.]* And the churchwardens and other persons having the care and control of the burial grounds to which such orders shall relate shall do all such works and matters in relation thereto as by such orders may be directed, and all expenses incurred in the execution of such orders shall be defrayed out of the poor rates of the parish (e).

*Limitation of powers of general board of health to*

(d) See note (p) to edition of former act, page 27, for a description of the disinfecting properties of Sir Wm. Burnett's patent fluid.

(e) If the churchwarden (he being *ex officio* an overseer of the parish) have in his custody any money collected from the poor-rate, he will be entitled to apply that money in payment of these expenses; but if he has no such parish moneys in his custody, his proper course will be, to certify on the face of the bill that it was incurred in pursuance of an order of the general board of health in that behalf, and then apply to his co-overseer to pay the expenses out of such parish moneys as he may have in his possession.

*make orders.*] Provided always, that no such order as aforesaid shall be made after the end of the next session of parliament.

SECT. 10. *Where churchyard is dangerous to health, churchwardens may agree for the burial of parishioners in the ground of any cemetery company or in the burial ground of any other parish.*] And be it enacted, that where it appears to the general board of health, or the commissioners of health in *Ireland*, that the churchyard or other burial ground of any parish is dangerous to health as aforesaid, and that temporary provision for interment elsewhere is urgently required, the churchwardens of such parish, with the consent of the bishop of the diocese (*f*), and the approval of such general board of health, or commissioners of health in *Ireland*,

---

(*f*) The agreement is not to be made without the consent of the bishop of the diocese, but the consent of the incumbent of the parish is not necessary. Doubtless the bishop, before he gives his consent to the burial of the parishioners elsewhere than in the parish churchyard, will require that the fees which the incumbent would have been entitled to had the burial taken place in the churchyard, shall continue to be duly paid to him by one or other of the parties to the agreement. But if the agreement be with the minister and churchwardens of another parish, inasmuch as the minister of that parish would in ordinary cases be entitled to more than the customary fee payable on the burial of a parishioner, he will hardly be disposed to forego the customary fee in favour of the minister of the parish from whence the body was removed for burial. Again, if the agreement be made with a cemetery company, it will be a question whether the churchwardens or the executors, or parties who are at the charge of burying the body of the deceased party, are to pay the charge of the company for breaking the ground, and also whether the executors or such parties could be compelled to pay such a charge, as by the custom of England nothing is payable on the burial of a parishioner in his own parish churchyard for breaking the ground. But the churchwardens may agree with the company that the customary fee

shall, if possible, either agree with any cemetery company for the burial in the ground of such company of the bodies of persons having right of burial (*g*) in the churchyard or other burial ground of such parish, or agree for the burial of such bodies in the churchyard or burial ground of any other parish of which the minister and churchwardens may consent thereto (*h*), and make all proper arrangements in relation to such burials :

*Agreement to be submitted to vestry.*] Provided always, that where any such agreement as aforesaid shall be proposed to be made by the churchwardens of any parish, such churchwardens shall submit such proposed agreement to a meeting of the vestry, or persons having the powers of vestry, in such parish, and if the majority of persons assembled at such meeting shall disapprove such agreement the churchwardens shall not proceed therewith.

*Payment of Expenses.*] And the expenses incurred by such churchwardens in relation to such agreement, and in carrying the same into effect (*i*), shall be paid out of the poor rates of their parish.

---

which would be payable to the minister of the parish if the burial took place in the parish churchyard, shall, notwithstanding the burial in the cemetery, be paid by the company to the minister.

(*g*) By the custom of England, every person has a right of burial in the churchyard of the parish where he may die, and that right does not in any way depend upon the person having a legal settlement in the parish.

(*h*) Ordinarily a dead body may be buried in the churchyard of another parish than the one wherein the death may have taken place, if the consent of the minister and churchwardens be obtained, but not otherwise.

(*i*) It is presumed that these words are intended to authorize the payment out of the poor-rates of any sum which may be agreed to be paid to the cemetery company, or to the other parish for the use of the cemetery or burying ground, and also the

*Limitation as to time when agreement may be made.]*  
 Provided also, that no such agreement as aforesaid shall be made after the end of the next session of parliament (j).

SECT. 11. *General board of health may direct inquiries, where it may be expedient to prohibit interment.]*  
 And be it enacted, that where upon any such inquiry as aforesaid it appears to the general board of health that the state of the burial grounds in any parish, or in any parishes which may be conveniently united for the purposes hereinafter mentioned, and the circumstances of such parish or parishes render it expedient for the protection of the public health, that interments should be prohibited in such parish or parishes, except as after mentioned, and that a burial ground or burial grounds should be provided for such parish, or for the common use of such parishes, the general board of health may direct a superintending inspector to make inquiry, in the manner directed by the Public Health Act, 1848, (k) or as near thereto as circumstances will

---

expenses which the churchwardens may be put to in making "all proper arrangements in relation to such burials." If so, the intention might have been more definitely expressed; and it would seem that the expenses in relation to the agreement are to be paid out of the poor-rates, whether the agreement is confirmed by the vestry or not.

(j) But this will not affect agreements which have before that time been entered into, which will be binding upon the respective parties for the period over which they may be made to extend.

(k) Before proceeding with the inquiry, the inspector must give fourteen days' notice of his intention to make the same, and of the time and place at which he will be prepared to hear all persons desirous of being heard before him upon the subject of the inquiry, by advertisement in some one or more of the public newspapers usually circulated in the parts to which the inquiry will relate; and by causing such notice to be affixed on the doors of the prin-

permit, into all the circumstances connected with the parochial and other burial grounds of such parish or parishes, and as to the place or places in which any burial ground or burial grounds might be provided, either within or beyond the limits of such parish or parishes, and as to the means which might be provided for the conveyance of bodies for interment, and any other arrangements which might be practicable for facilitating the convenient interment of bodies in the burial ground or burial grounds to be so provided, and as to the rights in any burial ground in such parish or parishes, not being a parochial burial ground, which might be affected by the prohibition of interments in such parish or parishes, and as to the proportions in several parishes (if more than one) should contribute to the expense of providing and maintaining a common burial ground or common burial grounds for such parishes, and into such other matters as the general board of health may think necessary for the purpose of enabling them to judge of the propriety of framing a scheme (1) to be submitted to parliament as hereinafter mentioned, and of the provisions which should be inserted therein.

*Superintending inspector to report result of his inquiries.]* And such superintending inspector shall report in writing, in such manner as the general board of health shall direct, the result of his inquiries in relation to the premises.

SECT. 12. Upon report, board of health may frame

capital churches, chapels, public buildings, and places where public notices are usually affixed within such parts, and in such other manner as may appear to the inspector to be necessary.

(1) As to the points which the scheme is to embrace, see section 12. The "scheme," it will be observed, will have no force or effect in law until it is confirmed by parliament



*a scheme for providing new burial grounds.*] And be it enacted, that upon the presentation of such report the general board of health shall cause a copy thereof to be transmitted to the bishop of the diocese, and copies thereof to be published, in such manner as they may direct, in the parish or parishes to which such report relates, and to be deposited with the minister and with the churchwardens of such parish or each of such parishes.

And the general board of health shall receive all such statements in relation to the matter of such report as shall be delivered within a time to be limited by the said board in this behalf, and may, where they think fit, cause further inquiry to be made in relation to the matter of such report.

And if after such inquiry and report, or further inquiry as aforesaid, it appear to the said board expedient so to do, they may frame a scheme in which shall be set forth such provisions as to the said board under the circumstances of each case may appear proper for providing a burial ground or burial grounds for such parish or parishes as aforesaid, either within such parish or any of such parishes, or beyond the limits thereof, as the case may appear to require, to be in law the burial ground for the parish or for each of the parishes for the common use of which the same is or are provided, and for the maintenance and due management and control of such burial ground or burial grounds.

For securing to the ministers and others having rights in respect of burials in the burial grounds in which interment is to be prohibited compensation by like rights in respect of burials in the burial ground or burial grounds proposed to be provided or otherwise, and for providing and securing rights in such burial

ground or burial grounds in substitution for other rights (which in the opinion of the board may require to be compensated) in grounds in which interment is to be prohibited.

For the election or appointment of persons to enter into contracts for providing such burial ground or burial grounds, and to maintain and manage the same.

For facilitating the conveyance of the bodies of the dead from the place of death to such burial ground or burial grounds.

For determining the proportions in which the expense of providing, maintaining, and managing such burial ground or burial grounds, where the same is or are provided for the common use of any parishes, shall be defrayed by such parishes respectively.

For prohibiting, after such burial ground or burial grounds shall be provided, interment in such parish or parishes, except in such cases as it may appear to the said board may be specified and excepted.

And generally for and concerning all matters in relation to such burial ground or burial grounds as aforesaid, and the arrangements consequent upon the prohibition of interments as aforesaid.

*Provision for approval of bishop of diocese.]*  
Provided always, that all provisions which shall be set forth in such scheme concerning the consecration of the burial ground or burial grounds to be provided, and concerning the burial of members of the united church of *England* and *Ireland*, and the compensation to be provided for rights in respect of burials and other rights of ministers of the said united church which may be affected by the prohibition of interment in parochial and other burial grounds, be approved by the bishop of the diocese.

*Presentation of scheme and reports to parliament.]*  
Provided also, that such scheme, with the reports of the superintending inspectors in relation to the matters thereof, shall be presented to both houses of parliament forthwith after the framing thereof, or, if parliament be not then sitting within fourteen days after the next meeting thereof.

SECT. 13. *Short title of this Act.]* And be it enacted, that in citing this Act in any Act of parliament, deed, instrument, or other proceeding it shall be sufficient to use the words "The Nuisances Removal and Diseases Prevention Amendment Act, 1849."

SECT. 14. *Act may be amended, &c.]* And be it enacted, that this Act may be amended or repealed by any Act to be passed this present session of parliament.

---

## SCHEDULE

TO WHICH THIS ACT REFERS.

---

*Form of Summons.*

We, the general board of health, [*or we, whose names are hereunto set, being two of the members of the board of health,*] do hereby summon and require you personally to appear before the general board of health, at —, in the parish of —, in the county of —, on — next, the — day of —, at the hour of — in the — noon of the same day, and then and there to be examined, and to testify the truth touching certain matters with respect to which the board is authorized to inquire.

Sealed with the seal of the general board of health, [*or given under our hands and seals, and the seal of the general board of health,*] this — day of —, in the year of our Lord one thousand eight hundred and —.

---



# INDEX.

---

## A.

	PAGE
Act incorporated with former Act - - - - -	1
Agreements for burial of dead, when churchyard dangerous to health - - - - -	14
to be submitted to vestry - - - - -	15
payment of expenses - - - - -	15
limitation of time for making - - - - -	16
Application of penalties - - - - -	4

## B.

Bishop of diocese, consent of, to agreements for burial of dead - - - - -	14
approval of, to scheme for provision of new burial grounds - - - - -	19
Burial of parishioners when churchyard dangerous to health	14
Burial grounds, measures of precaution to be taken as directed by general board of health - - - - -	13
inquiry to be made into state of, in certain cases - - - - -	11
expenses of churchwardens, to be paid out of poor rates - - - - -	13
orders of general board of health as to, to be carried out by churchwardens - - - - -	13
inquiry into state of - - - - -	16
scheme for providing new, to be framed by general board of health - - - - -	16

## C.

Cemetery company, agreements with, for burial of dead - - - - -	14
Certificates of existence of nuisance - - - - -	6
Churchwardens, to carry out directions of general board of health as to burial grounds - - - - -	13
to make agreements for burial of the dead when churchyard dangerous to health - - - - -	14
to submit agreements for burial of dead to vestry - - - - -	15

	PAGE
Constables of constabulary force in Ireland, certificate of existence of nuisance - - - - -	7
Churchyard dangerous to health, course of proceeding - -	14

## D.

Directions of general board of health, prosecutions for vio- lating or neglecting - - - - -	3, 4
Dublin police, certificate of constables of, as to nuisance -	7

## E.

Ex-officio guardians, power to act as justices - - - -	5
Expenses, of prosecutions, payment of - - - - -	5
payment of, in certain cases, without an order of justices - - - - -	7
power to charge, to parish benefited - - - - -	9
incurred in regard to burial grounds, payment of -	13

## G.

General board of health, power to summon witnesses - -	1
secretary may prosecute in certain cases - - - -	3
prosecutions for violating or neglecting directions of -	3, 4
to inquire into state of burial grounds - - - -	11
may direct measures of precaution as to burial grounds	13
to direct inquiry when expedient to prohibit interments	16
power to frame scheme as to burial grounds - - -	17
Guardians may pay expenses in certain cases, without an order of justices - - - - -	7
power to charge expenses to parish benefited - - -	9
may direct prosecutions in certain cases - - - -	4
may act on certificate of medical or relieving officer -	6

## I.

Inquiry into state of burial grounds - - - - -	11
Incorporation of Act with former Act - - - - -	1

## J.

Justices, ex-officio guardians may act as - - - - -	5
---	---

## M.

Medical officer, to give certificate of existence of nuisance -	6
---	---

# *Index.*

25

## PAGE

### O.

Overseers may direct prosecutions in certain cases	- -	4
may act on certificate of medical or relieving officer	-	6
payment of expenses in certain cases, without an order of justices	- - - - -	7

### P.

Parishioners, burial of, when churchyard dangerous to health		14
Parliament, scheme for establishment of new burial grounds to be presented to	- - - - -	20
Parochial board may direct prosecutions in certain cases	-	4
may act on certificate of medical or relieving officer	-	6
payment of expenses in certain cases, without an order of justices	- - - - -	7
power to charge expenses to parish benefited	- -	9
Parochial burial grounds, inquiry into state of	- -	16
Payment of expenses in certain cases, without an order of justices	- - - - -	7
Penalties	- - - - -	2
application of	- - - - -	4
Poor-rates, expenses of churchwardens as to burial grounds to be paid out of	- - - - -	13
expenses attending agreements for burial of dead to be paid out of	- - - - -	15
payment of expenses out of, in certain cases, without an order of justices	- - - - -	7
Prosecutions by secretary of general board of health	- -	3
by guardians, &c.	- - - - -	4
payment of expenses of	- - - - -	5

### R.

Relieving officer to give certificate of nuisance	- - -	6
Reports of superintending inspectors to be presented to parliament	- - - - -	20

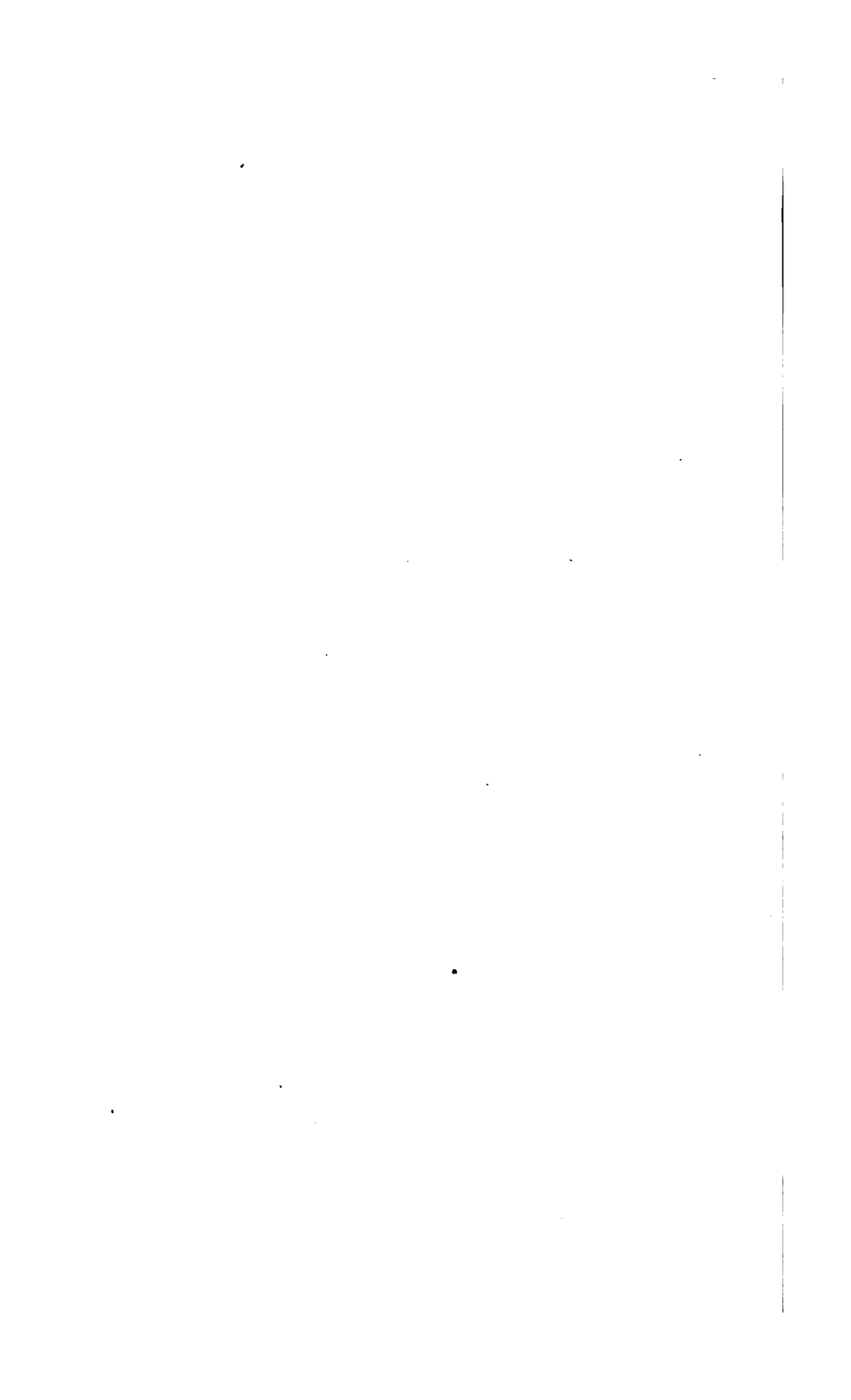
### S.

Schedule—form of summons	- - - - -	21
Scheme, of general board of health, as to new burial grounds as to new burial grounds, to be presented to parliament	- - - - -	20



	PAGE
Secretary of general board of health, may prosecute in certain	
cases - - - - -	3
Summons, form of - - - - -	21
Superintending inspector to inquire into state of burial	
grounds - - - - -	11, 16
T.	
Title of Act - - - - -	20
V.	
Vestry, agreements for burial of dead to be submitted to -	15
W.	
Witnesses, power to summon - - - - -	1
penalty for not appearing when summoned - - -	2





## WORKS

PUBLISHED BY SHAW & SONS, FETTER LANE,  
LONDON.

**ARCHBOLD'S JUSTICE of the PEACE**, and Parish Officer ; with the Practice of Country Attornies in Criminal Cases ; comprising also all the necessary Forms of Commitments, Convictions, Orders, &c. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. *Fourth Edition*, 3 vols. 12mo. 3l. 3s. boards.

**ARCHBOLD'S SUMMARY of the LAWS of ENGLAND**, in 4 Volumes. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. Demy 12mo.

Vol. I.—The Law of Pleading generally ; the Law of Evidence generally ; Practice of the Courts of Law at Westminster, of the Courts of the Counties Palatine, of the Borough Courts and County Courts ; Pleading and Evidence in all Personal Actions ; and Pleading, Evidence, and Practice in Ejectment, upon all Titles and in all Cases. 15s. cloth boards.

Vol. II.—Part 1. Corporeal Hereditaments ; Part 2. Incorporeal Hereditaments ; Part 3. Copyholds and Customary Tenements ; Part 4. Rights arising from the Relation of Landlord and Tenant ; Part 5. Remedies for Injuries in respect of Real Property. 15s. cloth boards.

\* \* Every Volume will be complete in itself.

**ARCHBOLD'S BANKRUPT LAW CONSOLIDATION ACT**, (12 & 13 Vict. c. 106), with an Introduction stating the whole of the Practice in cases of Bankruptcy ; and Notes. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. 12mo. 9s. boards.

*Just Published, in 1 Vol. 20s. boards, Fifth Edition,*

**ARCHBOLD'S POOR LAW**, comprising all the Authorities to Trinity Term, 1849, with Forms ; together with the Acts 9 & 10 Vict. c. 66, and 10 & 11 Vict. c. 33, with Notes. By JOHN FREDERICK ARCHBOLD, Esq., Barrister-at-Law.

*Just Published, in 1 Vol. 25s. boards, Fifth Edition,*

**ARCHBOLD'S POOR LAW**, comprising all the Authorities to Trinity Term, 1849, with Forms ; together with the Acts 9 & 10 Vict. c. 66, and 10 & 11 Vict. c. 33, with Notes ; and 11 & 12 Vict. cc. 31, 111, with Practical Introduction and Notes ; and 11 & 12 Vict. cc. 82, 91, 110, 114, with Practical Notes and Index. By JOHN FREDERICK ARCHBOLD, Esq., Barrister-at-Law.

*Shaw & Sons, Fetter Lane,*

---

*Just Published, 6s. boards, Sixth Edition,*

**THE ACTS 9 & 10 Vict. c. 66, and 10 & 11 Vict. c. 33, relating to the REMOVAL OF THE POOR, with Notes, and the Cases up to the present time; together with the whole of the NEW PRACTICE IN POOR LAW REMOVALS AND APPEALS, 11 & 12 Vict. cc. 31, 111, with Practical Introduction and Notes; and BULLER'S ACTS, 11 & 12 Vict. cc. 82, 91, 110, 114, relating to the Payment of Parochial Debts, the Audit of Accounts, the Chargeability of Paupers upon Unions, and the Education of the Infant Poor, with Practical Notes and Index.** By JOHN FREDERICK ARCHBOLD, Esq., Barrister-at-Law.

---

*Just Published, 4s. boards, Sixth Edition,*

**THE ACTS 9 & 10 Vict. c. 66, and 10 & 11 Vict. c. 33, relating to the REMOVAL OF THE POOR, with Notes, and the Cases up to the present time; together with the whole of the NEW PRACTICE IN POOR LAW REMOVALS AND APPEALS, 11 & 12 Vict. cc. 31, 111, with Practical Introduction and Notes.** By JOHN FREDERICK ARCHBOLD, Esq., Barrister-at-Law.

---

*Just Published, 2s. 6d. Sixth Edition,*

**THE ACTS 9 & 10 Vict. c. 66, and 10 & 11 Vict. c. 33, relating to the REMOVAL OF THE POOR; with Notes, and the Cases up to the present time.** By JOHN FREDERICK ARCHBOLD, Esq., Barrister-at-Law.

---

**ARCHBOLD'S New PRACTICE of ATTORNIES** in the Courts of Law at Westminster; with Forms, and an Appendix comprising Questions of Practice, by which the Errors in Proceedings may be detected, and the proper mode of taking advantage of them adopted. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. *Third Edition, 2 vols. 12mo. 1l. 14s.*

---

**ARCHBOLD'S PRACTICE OF THE NEW COUNTY COURTS,** with Forms; and Addenda, comprising the Practice of those Courts under the Protection Acts, the Insolvent Act, and the Judgment Debtors' Act; with full and elaborate Indices. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. *Third Edition, 12mo. 10s. 6d. boards.*

*Law Booksellers and Publishers.*

---

**JERVIS'S ACTS, 11 & 12 Victoria, cc. 42, 43, and 44;** relating to the Duties of Justices of the Peace out of Sessions, as to Indictable Offences, Convictions and Orders; and to the Protection of Justices in the Execution of their Duties; with Practical Notes and Forms. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. *Second Edition*, 12mo. 8s. cloth boards.

"We may safely commend this work to the attention of the public, as one on which its author has bestowed much pains and learning, and which is equally worthy of him and of the support which it cannot fail to receive from them."—*Justice of the Peace.*

---

**ARCHBOLD'S PRACTICE of the CROWN OFFICE,** with Forms of all the Pleadings, Rules, Notices, &c. which occur in Practice. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. 12mo. 12s.

For the great correctness of this work, and how fully it may be depended upon in practice, see *Reg. v. The Inhabitants of Newton Ferrars*, 10 J. P. 383.

---

**THE LAW of LANDLORD and TENANT;** with all the requisite FORMS, including the PLEADINGS in the several Actions by and against Landlord and Tenant, and the EVIDENCE necessary to support them. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. 12mo. boards, 18s.

*Table of Contents.*

Part I.—The Tenancy.

Part II.—The Landlord's Remedies against his Tenant.

Part III.—The Landlord's Remedies against Strangers.

Part IV.—The Tenant's Remedies against his Landlord.

Part V.—The Tenant's Remedies against Strangers.

Part VI.—Fixtures.

---

**THE LAW relative to EXAMINATIONS and GROUNDS of APPEAL** in cases of ORDERS of REMOVAL; with Forms in all Cases which occur in practice. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. 6s.

---

**BULLER'S ACTS, 11 & 12 Victoria, cc. 82, 91, 110, 114,** relating to the PAYMENT of PAROCHIAL DEBTS, the AUDIT of ACCOUNTS, the CHARGEABILITY of PAUPERS upon UNIONS, and the EDUCATION of the INFANT POOR, with Practical Notes and Index. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. 12mo. 2s. boards.

---

**BAINES'S ACT for the REMOVAL of Defects** in the Administration of CRIMINAL JUSTICE, 11 & 12 Vict. c. 46, together with the Acts 11 & 12 Vict. cc. 78, 101, with Practical Notes. By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. 12mo. 1s.

*Shaw & Sons, Fetter Lane,*

---

**THE WHOLE of the NEW PRACTICE in POOR LAW REMOVALS and APPEALS, with a Practical Introduction and Notes.** By JOHN FREDERICK ARCHBOLD, Esq. Barrister-at-Law. 1s.

---

*Just Published, Third Edition, 7s. 6d. cloth.*

**LOCKE'S GAME LAWS** comprising all the Acts now in force on the subject, brought down to the Session of Parliament of the 12 & 13 Vict. with Explanatory Notes and an Index. By JOHN LOCKE, Esq. of the Inner Temple, Barrister-at-law.

---

**THE COUNTY VOTERS' MANUAL, or GUIDE** to the REGISTRATION COURTS and ELECTIONS, giving Practical Instructions on the County Qualifications for becoming a Registered Elector, and exercising the Rights relating thereto; and also Practical Instructions to Overseers in the Execution of their Duties, in making Objections and publishing the Lists. By W. A. JAMES. 2s. 6d.

---

*(By Authority.)*

**LAWES' ACTS for PROMOTING the PUBLIC HEALTH, 1848 and 1849, with Notes, an Analytical Index, and (by way of Appendix) The NUISANCES REMOVAL and DISEASES PREVENTION ACTS, 1848 and 1849, some additional Forms, and a Table of Rates leviable under the Public Health Act.** By EDWARD LAWES, Esq. Barrister-at-Law. *Second Edition, 12mo. 8s. boards.*

---

**LAWES' ACT for PROMOTING the PUBLIC HEALTH, 1849, together with the NUISANCES REMOVAL and DISEASES PREVENTION ACT, 1849, with Practical Notes and Index.** By EDWARD LAWES, Esq. Barrister-at-Law. 2s. 6d.

---

**GLEN'S NUISANCES REMOVAL AND DISEASES PREVENTION ACTS, 1848 and 1849; with Practical Notes and Appendix, containing the Directions and Regulations of the General Board of Health, with Index.** By WILLIAM CUNNINGHAM GLEN, Esq. Barrister-at-Law. *Third Edition, 12mo. 3s. boards.*

---

**GLEN'S NUISANCES REMOVAL AND DISEASES PREVENTION AMENDMENT ACT, 1849, with Practical Notes and Index.** By WILLIAM CUNNINGHAM GLEN, Esq. Barrister-at-Law. 1s.

*Law Booksellers and Publishers.*

---

**THE GENERAL ORDER** of the **POOR LAW COMMISSIONERS**, regulating the Accounts of Unions and Parishes therein; dated March 17, 1847; with Notes and an Index. By **W. G. LUMLEY**, Esq. Barrister-at-Law, and one of the Assistant Secretaries of the Poor Law Board; together with the **GENERAL CONSOLIDATED ORDER** issued by the **POOR LAW COMMISSIONERS** on the 24th July, 1847, and the other General Orders applicable to the Unions to which that Order is addressed; with a Commentary and Notes on the several articles. By **WILLIAM CUNNINGHAM GLEN**, Esq. of the Poor Law Board, Barrister-at-Law. 12mo. boards, 7s.

---

**THE CONSOLIDATED GENERAL ORDER** of the **POOR LAW COMMISSIONERS**, dated 24th July, 1847, and the other General Orders applicable to the Unions to which that Order is addressed; with a Commentary and Notes on the several Articles, and an elaborate Index. Dedicated, by permission, to **G. CORNEWALL LEWIS**, Esq. M.P. late Poor Law Commissioner. By **WILLIAM CUNNINGHAM GLEN**, Esq. of the Poor Law Board, Barrister-at-Law. 12mo. boards, 5s.

---

**EAGLE'S PRACTICAL INSTRUCTIONS** for the Making of **WILLS**, agreeably to the Act 1 Vict. c. 26. By **WILLIAM EAGLE**, of the Middle Temple, Esq., Barrister-at-Law. Revised and Corrected by **WILLIAM CUNNINGHAM GLEN**, Esq. of the Middle Temple, Barrister-at-Law. *Second Edition*, 2s. 6d.

---

**THE HISTORY** of **SAVINGS BANKS** in **ENGLAND, WALES, IRELAND** and **SCOTLAND**, with the period of establishment of each Institution; the place where it is held, and the Number of Depositors; classed according to the latest Official Returns; with an Appendix, containing all the Parliamentary Returns that have been printed relating to these Institutions, and an account of the several Savings Banks in France, and the Amount of Deposits. By **JOHN TIDD PRATT**, Esq. of the Inner Temple, Barrister-at-Law, appointed to Certify the Rules of Savings Banks, Friendly, Annuity and Loan Societies, in England and Wales. 16s.

---

**TIDD PRATT'S Edition** of the **PROPERTY TAX ACT**, (5 & 6 Vict. c. 35,) with Cases of Illustration taken from Official Documents, a full Analysis of its Provisions, Explanatory Notes, Forms of Proceeding, a copious Index, and Tables for Calculating the several duties under the Act. By **JOHN TIDD PRATT**, Esq., of the Inner Temple, Barrister-at-Law. *Second Edition*, 7s. 6d.



*Shaw & Sons, Fetter Lane,*

---

**A COLLECTION of all the STATUTES in FORCE** respecting the Relief and Regulation of the Poor, with Notes and References, brought down to the end of the Session of Parliament 1848. By JOHN TIDD PRATT, Esq. of the Inner Temple, Barrister-at-Law, who assisted in preparing "The Act for the Amendment and better Administration of the Laws relating to the Poor." *Fourth Edition, 18s.*

---

**THE LAW RELATING TO FRIENDLY SOCIETIES and BENEFIT BUILDING SOCIETIES**, comprising the Statutes 10 Geo. 4, c. 56; 2 Will. 4, c. 37; 4 & 5 Will. 4, c. 40; 6 & 7 Will. 4, c. 32; 3 & 4 Vict. c. 73, and 9 & 10 Vict. c. 27; with explanatory Notes, a copious Index, and Observations on the Framing of Rules. By JOHN TIDD PRATT, Esq. of the Inner Temple, Barrister-at-Law, and the Registrar of Friendly Societies in England. *Fifth Edition, 5s.*

---

**TIDD PRATT'S LAW RELATING TO HIGHWAYS**, with Explanatory Notes, References, Forms, Statutes, and Index. By JOHN TIDD PRATT, Esq. Barrister-at-Law. *Fifth Edition, 6s.*

---

**THE GENERAL TURNPIKE ROAD ACTS**, with Notes, Forms, and a Copious Index. By JOHN TIDD PRATT, Esq. of the Inner Temple, Barrister-at-Law. *7s.*

---

**THE PROTECTION of the COURT of BANKRUPTCY** to Persons not in Trade, under the 7 & 8 Vict. c. 70, an Act to facilitate Arrangements between DEBTORS and CREDITORS. By CHARLES STURGEON, Esq. of the Inner Temple, Barrister-at-Law. *2s. 6d. boards.*

---

**THE PRACTICE before the COUNTY COURTS** in INSOLVENCY, under 1 & 2 Vict. c. 110, and in Insolvent Protection Cases, 5 & 6 Vict. c. 116, and 7 & 8 Vict. c. 96; together with the Act 10 & 11 Vict. c. 102, and a copious Index. By CHARLES STURGEON, Esq. of the Inner Temple, Barrister-at-Law. *12mo. boards, 5s.*

---

**CHITTY'S SUMMARY of the OFFICE and DUTIES of CONSTABLES.** By THOMAS WILLIAM SAUNDERS, Esq. of the Middle Temple, Barrister-at-Law. *Third Edition, 3s. 6d.*

---

*Law Booksellers and Publishers.*

---

A PRACTICAL TREATISE on the LAW of ASSAULT and BATTERY; including the REMEDIES by Action, Indictment, Summary Proceedings before Magistrates, and Sureties to keep the Peace; together with an Appendix of Forms and Precedents. By THOMAS WILLIAM SAUNDERS, Esq. of the Middle Temple, Barrister-at-Law. 2s. 6d.

---

A COLLECTION of all the STATUTES and parts of STATUTES now in force, relating to GAOLS and HOUSES of CORRECTION in England and Wales; with Notes, References, and a Copious Index. By THOMAS WILLIAM SAUNDERS, Esq. of the Middle Temple, Barrister-at-Law. In a Pocket Volume, 4s.

---

THE PARISH CONSTABLES' ACT, (5 & 6 Vict. c. 109), with Notes, Forms and Index. By W. G. LUMLEY, Esq. Barrister-at-Law, Assistant Secretary to the Poor Law Commission. 3s.

---

PARISH APPRENTICES, with a Treatise on the Law and a Collection of the Statutes relating thereto. By W. G. LUMLEY, Esq. Barrister-at-Law, Assistant Secretary to the Poor Law Commission. 4s. boards.

---

A POPULAR TREATISE on the LAW of SETTLEMENT and REMOVALS. By W. G. LUMLEY, Esq. Barrister-at-Law, Assistant Secretary to the Poor Law Commission. Second Edition, 4s.

---

LUMLEY'S LUNACY ACTS, 8 & 9 Vict. cc. 100, 126, and 9 & 10 Vict. c. 84; with Introduction, Notes, and Index, and an Appendix containing the Statutes relating to Insane Criminals and Prisoners, and a Statement of the different Forms of Insanity. By W. G. LUMLEY, Esq. Barrister-at-Law, Assistant Secretary to the Poor Law Commission. 8s. cloth.

---

SUPPLEMENT to the EDITION of the NEW LUNACY ACTS, 8 & 9 Vict. cc. 100, 126, containing the New Statutes, 9 & 10 Vict. c. 84, and the Orders in Lunacy under the 8 & 9 Vict. c. 100; with Introduction and Notes. By W. G. LUMLEY, Esq. Barrister-at-Law, Assistant Secretary to the Poor Law Commission. 2s.

*Shaw & Sons, Fetter Lane,*

---

**THE NEW BASTARDY ACT, 8 Vict. c. 10,** containing the **FORMS** to be used in Proceedings in Bastardy; with an Introduction explanatory of the New Provisions. By **W. G. LUMLEY, Esq. Barrister-at-Law, Assistant Secretary to the Poor Law Commission.** 2s.

---

**THE ACT for the FURTHER AMENDMENT** of the **LAWS** relating to the **POOR** in **ENGLAND**, with the other Statutes affecting the Poor Law passed in 1844, and to the last Session of Parliament, 9 & 10 Vict.; with Notes, Forms, and Index. By **W. G. LUMLEY, Esq. Barrister-at-Law, Assistant Secretary to the Poor Law Commission.** *Third Edition,* 6s.

---

**THE LAW OF PAROCHIAL ASSESSMENTS** explained in a Practical Commentary on the Statute 6 & 7 Will. 4, c. 96. By **W. G. LUMLEY, Esq. of the Middle Temple, Barrister-at-Law, and Assistant Secretary of the Poor Law Commissioners.** 5s. 6d. *cloth boards.*

---

**THE GENERAL ORDER of the POOR LAW COMMISSIONERS,** regulating the **ACCOUNTS of UNIONS and PARISHES** therein; March 17, 1847; with Notes and an Appendix, containing an Elucidation of the Order, and the Circular Letter of the Commissioners to the District Auditors. By **W. G. LUMLEY, Esq. Barrister-at-Law and one of the Assistant Secretaries of the Poor Law Board.** Crown 8vo. *boards,* 7s.

---

### **THE PARISH OFFICERS' LIBRARY.**

By **J. N. SPELLEN, Esq. Barrister-at-Law.**

The <b>CHURCHWARDEN'S ASSISTANT</b>	-	-	-	1	0
The <b>CONSTABLES' GUIDE and DIRECTOR</b>	-	-	-	1	0
The <b>OVERSEERS' ASSISTANT</b>	-	-	-	1	0
The <b>SURVEYORS' ASSISTANT</b>	-	-	-	1	0
The <b>VESTRY CLERK and PARISH LAWYER</b>	-	-	-	3	6

These Treatises are written in a clear and distinct manner, divested of technical terms, giving the whole of the Duties of the several Officers.

It will be absolutely necessary to Order "**SPELLEN'S EDITION,**" there being other Editions got up merely for Sale without any Author's Name, and wholly unworthy of Confidence.

---

**A PRACTICAL TREATISE** on the **LAW of DISTRESS for RENT,** and of things Damage-feasant; with Forms; and an Appendix of Statutes. By **EDWARD BULLEN, Esq. of the Middle Temple, Special Pleader.** 9s.

*Law Booksellers and Publishers.*

---

**THE LAW RELATING to the ASSESSMENT** of RAILWAYS to the RELIEF of the POOR, with a Report of the Case and Judgment in the *Queen v. The London and South Western Railway Company*, decided in the Court of Queen's Bench, June 4th, 1842. By WILLIAM HODGES, Esq. of the Inner Temple, Barrister-at-Law. 2s. 6d.

---

**POVERTY, MENDICITY, and CRIME**, or the Facts, Examinations, &c. upon which the Report, presented to the House of Lords, by W. A. Miles, Esq. was founded. To which is added a Dictionary of the Flash or Cant Language, known to every Thief and Beggar. Edited by H. BRANDON, Esq. 5s.

---

**A GENERAL READY RECKONER** for calculating the Parishes' Shares of the several Classes of Union Expenditure, and the Quantities of Prepared Provisions to be entered in the "*Daily Provisions Consumption Account*," Form 25 of the Poor Law Commissioners' General Order relating to Accounts; for ascertaining the corresponding Price per Pound, Stone, Cwt., and Ton, and per Stone and per Sack of Flour, or per Loaf, and per Score of Bread; for making Church Rates, Poor Rates, Surveyor's Rates, and for general Purposes. By W. C. HORSON, Esq. Barrister-at-Law, and District Auditor. *Third Edition*, Vol. I. 8s. 6d.

Vol. II. of ditto, (from 1s. 6d. to 2s. 6d.)—8s. 6d.

---

**GRAND JURIES; REASONS FOR THEIR ABOLITION.** By WILLIAM FOOTE, Author of "Suggestions for the Improvement of Portions of the Criminal Law;" "Suggestions for abolishing Poor Law Settlements, and to substitute a General Rate for the Relief of the Poor;" "Statement as to Turnpike Trusts, (Published at the Request of a Committee)," &c. 12mo. 1s.

---

**ALL THE STATUTES in FORCE RELATING** to the CEREMONY of MARRIAGE in ENGLAND, including the recent Marriage Act, and the Act for the Registration of Births, Deaths, and Marriages, with Notes and a Copious Index; together with some Account of the Marriage Laws of France, Ireland, Scotland, &c. By HENRY PEARSON, Esq. of the Middle Temple. 5s.

*Shaw & Sons, Fetter Lane,*

---

**THE MAGISTRATE'S ASSISTANT, and POLICE OFFICER and CONSTABLE'S GUIDE**; being a plain and practical Summary of the Duties of Magistrates and Peace Officers, in the various branches of the Criminal Law usually coming under their cognizance; including full Forms of Bills of Costs for the use of Constables; with an Abstract of the Criminal Law and its Sentences; and a comprehensive Table of Penalties under the Penal Statutes. By **RALPH LECONBY SNOWDEN**. 12mo. 7s. 6d.

---

**THE LAW RELATING TO RIOTS and UNLAWFUL ASSEMBLIES**, together with a View of the Duties and Powers of Magistrates, Police Officers, Special Constables, the Military, and Private Individuals, for their Suppression; and a Summary of the Law as to Actions against the Hundred. By **EDWARD WISE, Esq.**, of the Middle Temple, Barrister-at-Law. *Second Edition*, 12mo. 2s. 6d. boards.

---

**THE THEORY and PRACTICE of VALUING TITHES and COMMUTATION RENTCHARGES**, illustrated by a Series of Diagrams.—Also, the Principle of assessing Rentcharges and compositions to the Poor's Rate; to which are added Tables, exhibiting the amount of Net Rent and Rates respectively contained in any amount of Gross Rent. By **LAYTON COOKE**, Surveyor. *Price 7s.*

---

**REMARKS on the MANNER in which TITHES** should be assessed to the POOR'S RATE under the existing Law. By the Rev. **RICHARD JONES**, one of the Tithe Commissioners for England and Wales. *Price 2s. 6d.*

---

**REMARKS on the GOVERNMENT BILL for the COMMUTATION of TITHE**. By the Rev. **RICHARD JONES**, one of the Tithe Commissioners for England and Wales. *Price 6d.*

---

**THE MAGISTRATE'S ENTRY BOOK** (to be kept by the Clerk) of Cases heard and determined before a Magistrate in Petty Sessions. 10s.

Ditto      ditto      another sort, 16s.

*Law Booksellers and Publishers.*

---

**TABLES for VALUING ANNUITIES** subject to LEGACY DUTY, showing the Values of Annuities from 1*s.* to 500*l.* held on single Lives, according to the Act 36 Geo. 3, c. 52, and the amount of Legacy Duty thereon at each of the several Rates now payable by the Act 55 Geo. 3, c. 184. By J. C. HUDSON, of the Legacy Duty Office, London. *Second Edition, 5*s.* bound.*

---

**WILL PAPERS**, with Practical Directions for filling them up. By J. C. HUDSON, of the Legacy Duty Office, London. 4*d.* each, and in sets 1*s.* 6*d.*

---

**A PRACTICAL GUIDE TO SURVEYORS OF HIGHWAYS**, comprising their Powers, Duties, and Liabilities under the New Highway Act, 5 & 6 Will. 4, c. 50, with a Copious Index. By F. W. NASH, Esq. Barrister-at-Law, *Fourth Edition, 2*s.* 6*d.**

---

**WHALLEY'S TITHE ACT**, and the whole of the TITHE AMENDMENT ACTS, with Explanatory Notes, and an Appendix of Forms, Cases, &c. with a Treatise on the Recovery of Tithe Rentcharge. By G. H. WHALLEY, Esq. Barrister-at-Law, and Assistant Tithe Commissioner. *Second Edition, 12*mo.* 12*s.* cloth boards,*

---

**TITHE RENTCHARGE TABLES** for 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, and 1845; showing for each Year the Value of Rentcharges under the Tithe Commutation Act. By HENRY PYNE, Esq. Assistant Secretary to the Tithe Commissioners. 6*d.* each.

Ditto, 1846, 1847, 1848, 1849, 1*s.* each.

---

**THE REPORT of the TITHE COMMISSIONERS** for ENGLAND and WALES, together with Tables for Calculating the Rentcharge in lieu of the Tithe of Coppice-wood. By HENRY PYNE, Esq. Assistant Secretary to the Tithe Commissioners. 2*s.* 6*d.*

---

**PERMANENT TABLES**, showing the VALUE of TITHE RENTCHARGES, under every variation in the average price of Corn. To which is added a particular Table for each year since the passing of the Tithe Commutation Act. By HENRY PYNE, Esq. Assistant Secretary to the Tithe Commissioners. *Third Edition, 7*s.* 6*d.**

*Shaw & Sons, Fetter Lane.*

---

**THE QUESTION of RATING TITHES** in reference to Joddrell's Case *Argued*, and the Opinions advanced by Mr. Blake, in his answer to the Pamphlet of the Rev. Richard Jones, *Examined*. By GEORGE ABBOTT, Esq. Barrister-at-law. *Price 1s. 6d.*

---

**REMARKS on the APPORTIONMENT of the TITHES RENTCHARGE.** By JAMES JERWOOD, Esq. B. A., F. C. P. S., of the Middle Temple, Barrister-at-Law, and one of the Assistant Tithe Commissioners for Special Purposes. *1s.*

---

**A SUMMARY of the MODE of SETTling PAROCHIAL BOUNDARIES** under the Provisions of the TITHES ACTS. By JAMES JERWOOD, Esq. B. A. of the Middle Temple, Barrister-at-Law, and one of the Assistant Tithe Commissioners for Special Purposes. *2s. 6d.*

---

**PRIDEAUX'S PRACTICAL GUIDE TO THE DUTIES OF CHURCHWARDENS** in the Execution of their Office. With List of Cases, Statutes and Canons, an Appendix and Index. By CHARLES GREVILLE PRIDEAUX, of Balliol College, Oxford, M.A., and of Lincoln's Inn, Esq. Barrister-at-Law. *Fourth Edition, 6s.*

---

**THE ACT to AMEND the LAW for the REGISTRATION of VOTERS**, with a Popular Analytical Introduction, and a full and complete Index. By CHARLES GREVILLE PRIDEAUX, of Lincoln's Inn, Esq. Barrister-at-Law. *3s. 6d.*

---

**THE LAW of MASTER and SERVANT**, in regard to Domestic Servants and Clerks. With Notes, References, and Index. By EDWARD SPIKE, Esq. Attorney-at-Law. *2s. 6d.*

---

**THE ACT for the CONVICTION of JUVENILE OFFENDERS**, 10 & 11 Vict. c. 82, with a Practical Commentary and Forms. By CHARLES SPRENGEL GREAVES, Esq. of Lincoln's-Inn and the Inner Temple, Barrister-at-Law, and a Magistrate for the Counties of Stafford and Derby. *12mo. boards, 4s.*

---

*Law Booksellers and Publishers.*

---

**SUPPLEMENT to BURN'S JUSTICE of the PEACE** from January, 1845, to January, 1849. By **DAVID DEADY KEANE**, Esq., Barrister-at-Law. 1 vol. 20s. *cloth boards.*

Also in separate Vols., as under: January, 1845, to March, 1848, in 1 Vol., cloth boards, 12s.; March, 1848, to January, 1849, in 1 Vol., cloth boards, 8s.

---

**A COLLECTION of the PUBLIC GENERAL STATUTES** passed in the last Session (11 & 12 Victoria), as far as relates to the office of a Justice of the Peace, and to Parochial Matters in England and Wales; with Cases, References, and an Index. By **DAVID DEADY KEANE**, Esq. of the Middle Temple, Barrister-at-Law. 8s. *cloth boards.*

---

**FORMS OF LETTINGS, OR OF AGREEMENTS FOR LEASES, each 1s.**

Drawn and Settled by **JOHN EVANS**, Esq. Barrister-at-Law.

- No. 1. Agreement for Letting Furnished Lodgings.  
2. " for Yearly Letting of a House.  
3. " for Letting a House, &c. for Years certain.  
4. " by *Freeholder* for Letting, and (on request) to grant a Lease of, a House, &c.  
5. " ditto by *Leaseholder*.  
6. " by *Freeholder* for Letting, and (on request) to grant a Lease of, a Farm.

---

**HOSMER'S INTEREST AND DISCOUNT TABLE.** This Table was invented and constructed for the determination of **INTEREST** and **DISCOUNT** with facility, at the various rates per cent. of 5, 4½, 4, 3½, and 3, and is capable of great extension in its application. The magnitude of information to be derived from its use, is not more surprising than its simplicity and accuracy. It consists of an engraving, with 51 divided concentric circles. A moveable Index, which is affixed to the centre, can, by turning it, be instantly applied to any part of the surface, its right hand edge determining the amount of Interest or Discount. 6s.

---

**A PRACTICAL TREATISE ON MISDEMEANORS.** By **HUMPHRY W. WOOLRYCH**, of the Inner Temple, Barrister-at-Law. 14s.

"It is in fact a Practical Treatise, and will be found extremely useful not only to the general practitioner, but to the public in general."—*Sun.*



*Shaw & Sons, Fetter Lane,*

---

**BOOTE'S HISTORICAL TREATISE of a SUIT  
AT LAW**, with Notes. By **GEORGE THOMAS WHITE**, Esq.  
Barrister-at-Law. *Seventh Edition*, 8s.

---

**THE ACTS for MARRIAGES and REGISTRA-  
TION**, 6 & 7 Will. 4, cc. 85 & 86; 7 Will. 4, c. 1; 1 Vict. c. 22 :  
with Explanatory Notes and Index. By **WILLIAM EAGLE**, Esq.  
of the Middle Temple, Barrister-at-Law. 5s.

---

*Preparing for Immediate Publication.*

*In 2 Vols. Demy 8vo. 500 Pages each, beautifully printed,*  
**The HISTORY of the ROMAN EMPERORS**,  
from Augustus to the Death of Marcus Antoninus. By the late  
Rev. **ROBERT LYNAM**, M. A. of Trinity College, Cambridge.

This important Work will connect the Histories of the Roman Republic,  
and the Decline and Fall of the Roman Empire: so long a desideratum  
in English literature.

---

*In the Press, the Third Edition of*

**DEACON'S LAW AND PRACTICE OF  
BANKRUPTCY**, with a Collection of Forms, Precedents, and  
Practical Notes. By **JOHN DE GEX**, Esq. Barrister at-Law.

---

*In the Press, the Third Volume of*

**ARCHBOLD'S SUMMARY of the LAWS of  
ENGLAND—On ECCLESIASTICAL and PARLIAMENTARY  
LAW**. By **JOHN FREDERICK ARCHBOLD**, Esq. Barrister-at-  
Law.

\* \* \* This Work will be completed in 4 volumes. Every volume will be  
perfect in itself.

## **Blank Precedents**

**UNDER THE ACT 11 & 12 VICTORIA, CAP. 123.**

- A. Notice by Householder.
- B. Summons to appear.
- C. Order for Removal of Nuisances.
- D. Order to permit execution of Works by Owners.
- E. Notice by a Committee of a Town Council, &c.  
to the Owner or Occupier of Premises complained of, as being in a filthy and unwholesome condition, that they will enter into and examine the state of the same.
- F. Complaint to a Justice that certain Premises are in a filthy and unwholesome condition, in order to obtain a Summons against the Owner or Occupier.
- G. Medical Certificate.
- H. Register Book of Nuisances, 4to. dble medium, half-bound, 20s.
- I. Certificate of Medical Officer.
- J. Notice of Entry by Public Authorities.
- K. Information, under s. 1.
- L. Summons to the Defendant, under s. 1.
- M. Order for Payment of Money, to be levied by distress, and in default of distress, imprisonment, under s. 17.
- N. Warrant of Distress upon an Order for the Payment of Money, under s. 17.

**NEW FORMS UNDER THE NUISANCES REMOVAL  
AMENDMENT ACT, 1849,  
12 & 13 VICTORIA, CAP. 111.**

- A. 1. Certificate by Medical or Relieving Officer of existence of Nuisance, under s. 6.
- E. 5. Notice by a Committee appointed for the purpose, to the Owner or Occupier of Premises, that they will enter into and examine the same; under s. 1.
- F. 6. Complaint by a Committee to a Justice that certain Premises are in a filthy, &c. condition to obtain a Summons against the Owner or Occupier, under s. 1.
- J. 10. Notice of Entry by Public Authorities.

*Shaw & Sons, Fetter Lane.*

---

*Just Published, price 8s. Second Edition.*

**THE ACTS FOR PROMOTING THE  
PUBLIC HEALTH, 1848 and 1849,  
WITH NOTES, AN ANALYTICAL INDEX,  
AND  
THE NUISANCES REMOVAL AND DISEASES  
PREVENTION ACTS, 1848 and 1849;  
SOME ADDITIONAL FORMS, AND A TABLE OF RATES  
LEVIALE UNDER THE PUBLIC HEALTH ACTS.  
By EDWARD LAWES, Esq. BARRISTER-AT-LAW.**

*This day is Published, price 3s. Third Edition.*

**THE NUISANCES REMOVAL AND DISEASES  
PREVENTION ACTS, 1848 and 1849;  
(11 & 12 VICT. c. 123; 12 & 13 VICT. c. 111),  
WITH PRACTICAL NOTES AND APPENDIX,  
CONTAINING  
THE DIRECTIONS AND REGULATIONS OF THE GENERAL BOARD  
OF HEALTH, WITH INDEX.  
By WILLIAM CUNNINGHAM GLEN, Esq.  
BARRISTER-AT-LAW.**

*This Day is Published, price 1s.*

**GLEN'S NUISANCES REMOVAL  
AND  
DISEASES  
PREVENTION AMENDMENT ACT, 1849,  
WITH  
PRACTICAL NOTES AND INDEX.  
BY  
WILLIAM CUNNINGHAM GLEN, Esq.  
BARRISTER-AT-LAW.**

*In the Press, and shortly will be published,*

**THE LOCAL BOARD OF HEALTH  
ELECTION MANUAL.**

By W. G. LUMLEY, Esq. BARRISTER-AT-LAW,  
AND ASSISTANT SECRETARY OF THE POOR LAW BOARD.







## Blank Precedents

UNDER THE ACT 11 & 12 VICTORIA, CAP. 123.

PUBLISHED BY

**SHAW & SONS, Law Publishers,**  
FETTER LANE, LONDON.

- A. Notice by Householder.
- B. Summons to appear.
- C. Order for Removal of Nuisances.
- D. Order to permit execution of Works by Owners.
- E. Notice by a Committee of a Town Council, &c. to the Owner or Occupier of Premises complained of, as being in a filthy and unwholesome condition, that they will enter into and examine the state of the same.
- F. Complaint to a Justice that certain Premises are in a filthy and unwholesome condition, in order to obtain a Summons against the Owner or Occupier.
- G. Medical Certificate.
- H. Register Book of Nuisances, 4to. dble medium, half-bound, 20s.
- I. Certificate of Medical Officer.
- J. Notice of Entry by Public Authorities.
- K. Information, under s. 1.
- L. Summons to the Defendant, under s. 1.
- M. Order for Payment of Money, to be levied by distress, and in default of distress, imprisonment, under s. 17.
- N. Warrant of Distress upon an Order for the Payment of Money, under s. 17.

### NEW FORMS UNDER THE NUISANCES REMOVAL AMENDMENT ACT, 1849, 12 & 13 VICTORIA, CAP. 111.

- A. 1. Certificate by Medical or Relieving Officer of existence of Nuisance, under s. 6.
- E. 5. Notice by a Committee appointed for the purpose, to the Owner or Occupier of Premises, that they will enter into and examine the same; under s. 1.
- F. 6. Complaint by a Committee to a Justice that certain Premises are in a filthy, &c. condition to obtain a Summons against the Owner or Occupier, under s. 1.
- J. 10. Notice of Entry by Public Authorities.